

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

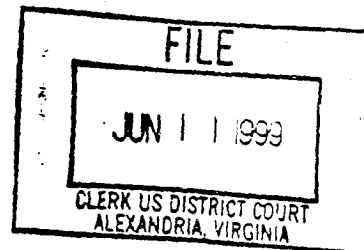
AMERICAN CANOE ASSOCIATION, INC., and
THE AMERICAN LITTORAL SOCIETY

Plaintiffs,

v.

THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, CAROL BROWNER,
in her official capacity as the
Administrator of the U.S.
Environmental Protection Agency, and
MICHAEL McCABE, in his official
capacity as Regional Administrator
of Region III of the U.S. Environmental
Protection Agency,

Defendants.



Civil Action No.
98-979-A

CONSENT DECREE

WHEREAS, on July 9, 1998, Plaintiffs American Canoe Association, Inc., and the American Littoral Society filed this action against Defendants United States Environmental Protection Agency ("EPA"), Carol M. Browner in her official capacity as Administrator of EPA, and W. Michael McCabe in his official capacity as Regional Administrator of EPA Region III (collectively, "EPA").

WHEREAS, Section 303(d) of the Clean Water Act ("CWA"), 33 U.S.C. § 1313(d), and EPA's implementing regulations at 40 C.F.R. § 130.7(b)-(e) require each State to (1) identify those State waters that it expects will fail to achieve applicable water quality standards after application of technology-based effluent limitations and other controls; (2) establish a priority

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ranking for such waters; (3) establish total maximum daily loads ("TMDLs") for pollutants for which those waters are not in attainment with water quality standards; and (4) estimate total maximum daily thermal loads ("TMDTLs") for those waters that are not in attainment with water quality standards related to temperature;

~~W~~HEREAS, Section 303(d)(2) of the CWA, 33 U.S.C. § 1313(d)(2), requires EPA to approve ~~or~~ disapprove a State's Section 303(d) list or TMDL/TMDTL submissions within 30 days of ~~such~~ submission. If EPA disapproves a State's Section 303(d) list or TMDL/TMDTL, then EPA must identify such waters in the State or establish the TMDL/TMDTL for such waters that EPA determines necessary to implement applicable water quality standards;

~~W~~HEREAS, Section 303(e) of the CWA, 33 U.S.C. § 1313(e), and EPA's implementing regulations at 40 C.F.R. § 130.5 require that each State have an EPA-approved Continuing Planning Process ("CPP"), and that EPA from time to time review each State's CPP in order to ensure ~~that~~ it is at all times consistent with the CWA;

~~W~~HEREAS, Section 7(a) of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a), provides for interagency consultation under certain circumstances and for the carrying out of programs for the conservation of endangered species and threatened species listed pursuant to Section ~~4~~ of the ESA, 16 U.S.C. § 1533, as well as interagency conferencing under certain circumstances with respect to species proposed to be listed;

~~W~~HEREAS, Section 10 of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706, provides for judicial review of agency actions that are alleged to be arbitrary or capricious, contrary to law, or unlawfully delayed or withheld;

~~W~~HEREAS the Commonwealth of Virginia has lead responsibility for the identification

and prioritization of waters still requiring TMDLs and for establishment of TMDLs pursuant to Section 303(d) of the CWA for Virginia's waters;

WHEREAS, EPA's implementing regulations at 40 C.F.R. § 122.44(d)(1)(vii)(A) provide that, when developing water quality-based effluent limits, the permitting authority shall ensure that "the level of water quality to be achieved by limits on point sources is derived from and complies with all applicable water quality standards";

WHEREAS, EPA's implementing regulations at 40 C.F.R. § 122.44(d)(1)(vii)(B) provide that, when developing water quality-based effluent limits, the permitting authority shall ensure that "effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 C.F.R. § 130.7";

WHEREAS, EPA intends to work with the Commonwealth of Virginia to assure that National Pollutant Discharge Elimination System ("NPDES") permits under Section 402 of the CWA will be issued in compliance with 40 C.F.R. § 122.44(d)(1)(vii)(A) and (B);

WHEREAS, Plaintiffs reserve their rights under law to challenge NPDES permits issued by the Commonwealth of Virginia or EPA that do not comply with 40 C.F.R. § 122.44(d)(1)(vii)(A) or (B), and EPA reserves any defenses it may have to such challenges;

WHEREAS, CWA Section 303(d)(2) provides that States shall incorporate TMDLs into their current water quality management plans under subsection (e) of Section 303 of the CWA;

WHEREAS, the parties agree the Commonwealth of Virginia intends to establish TMDLs for all waters listed on the 1998 Section 303(d) list in accordance with the schedule set

forth in the Memorandum of Understanding between EPA and the Commonwealth of Virginia (as defined below) and that the Commonwealth of Virginia further intends to incorporate into the schedule any waters listed on subsequent Section 303(d) lists that are due to be submitted to EPA through December 31, 2004;

WHEREAS, the parties consider this settlement to be a just, fair, adequate and equitable resolution of the claims raised in this action;

WHEREAS, in order to resolve this lawsuit, the parties also have entered into a Settlement Agreement, which has been filed separately with the Court for informational purposes only; its terms are not incorporated into this Decree, and it is not an enforceable order of this Court;

WHEREAS, it is in the interest of the public, the parties and judicial economy to resolve the issues in this action without protracted litigation, including a trial;

WHEREAS, the Court finds and determines that this Consent Decree represents a just, fair, adequate and equitable resolution of the claims raised in this action;

NOW, THEREFORE, it is hereby ordered, adjudged, and decreed as follows:

I. GENERAL TERMS

1. The parties to this Consent Decree are Plaintiffs American Canoe Association, Inc., and American Littoral Society; and Defendants EPA, Carol Browner in her official capacity as Administrator of EPA, and W. Michael McCabe in his official capacity as Regional Administrator of EPA Region III. The parties understand that Carol Browner and W. Michael McCabe were sued in their official capacities and that the obligations arising under this Decree are to be performed by EPA and not by Carol Browner or W. Michael McCabe in their individual

capacities.

2. This Consent Decree applies to, is binding upon, and inures to the benefit of Plaintiffs (and their successors, assigns, and designees) and Defendants.

3. Unless otherwise expressly provided, terms used in this Consent Decree that are defined in the CWA and ESA or in their implementing regulations shall have the meaning assigned to them therein. For the purposes of this Decree, the following terms shall have the meanings provided below. All references in this Decree to sections of the U.S. Code ("U.S.C.") and the Code of Federal Regulations ("C.F.R.") are to those sections as of the date of entry of this Consent Decree or as subsequently amended.

A. "1998 Section 303(d) list" means all waters and pollutants identified on the 1998 Section 303(d) list for Virginia after EPA's final decision on May 10, 1999. The waters and pollutants comprising the "1998 Section 303(d) list" are identified in Attachment A to this Consent Decree. The terms "1998 Section 303(d) list" and "Attachment A" may be used interchangeably herein.

B. "Attachment A Waters" means all waters and pollutants identified in the "1998 Section 303(d) list." The list of these waters and pollutants is attached to this Consent Decree as Attachment A and consists of approximately 800 waters. The terms "1998 Section 303(d) list" and "Attachment A" may be used interchangeably herein.

C. "Attachment B Waters" means the list of additional waters and pollutants that Plaintiffs contend should have been included on the 1996 and/or 1998 Section 303(d) lists. They are identified in Attachment B to this Decree. This list consists

of approximately 200 waters.

- D. "Attachment C Waters" means those waters and pollutants listed on Attachment B that appear on the next Section 303(d) list.
- E. "Category 1 Waters" are a subset of the waters and pollutants identified in Attachment A and are denominated as such on that Attachment. The Category 1 Waters (which appear to be primarily affected by nonpoint source contributions) consist of approximately 240 waters on Part I of Virginia's October 14, 1998 Section 303(d) submission to EPA and approximately 70 additional waters and pollutants identified by EPA in its final decision dated May 10, 1999.
- F. "Category 2 Waters" are a subset of the waters and pollutants identified in Attachment A and are denominated as such on that Attachment. The Category 2 Waters consist of approximately 226 waters on Part II of Virginia's October 14, 1998 § 303(d) submission to EPA and 24 additional waters and pollutants identified by EPA in its final decision dated May 10, 1999. Category 2 Waters also may include a subset of any waters and pollutants as described below that are identified in Attachment C and that are denominated as such on that Attachment. Category 2 Waters are waters that are listed because point sources discharging to the waters either are not subject to water quality-based effluent limitations that are stringent enough to achieve applicable water quality standards, or are subject to such limitations but operate under a compliance schedule that will not lead to attainment of applicable water quality standards by April 1, 2000.
- G. "Category 3 Waters" are a subset of the waters and pollutants identified in

Attachment A and are denominated as such on that Attachment. Category 3 Waters consist of the 262 waters appearing on the 1998 Section 303(d) list because of shellfish impairments.

- H. "Category 4 Waters" are a subset of those waters and pollutants, if any, identified in Attachment C (other than those identified as Category 2 waters) and denominated as such on that Attachment.
- I. "Complaint" means the complaint filed by the Plaintiffs in Civil Action Number 98-979-A in the U.S. District Court for the Eastern District of Virginia on July 9, 1998, as supplemented on or about June 4, 1999.
- J. "Continuing Planning Process" ("CPP") has the meaning provided in CWA Section 303(e), 33 U.S.C. § 1313(e), and 40 C.F.R. § 130.5.
- K. "Existing and readily available water quality-related data and information" has the meaning provided at 40 C.F.R. § 130.7(b)(5).
- L. "Final action" means final agency action EPA takes to approve and/or disapprove or establish the next Section 303(d) list, any subsequent Section 303(d) list, or any TMDL for Virginia waters, consistent with Section 303(d) and EPA's implementing regulations.
- M. "Memorandum of Understanding" or "MOU" means the November 1998 Memorandum of Understanding regarding Sections 303(d) & (e) of the CWA between EPA and the Commonwealth of Virginia (included with this Decree as Attachment D for informational purposes only).
- N. "Next Section 303(d) list" means the next Section 303(d) list developed for

Virginia waters subsequent to its 1998 Section 303(d) list. Regulations in effect as of the date of entry of this Consent Decree require Virginia to submit the next Section 303(d) list by April 1, 2000, but that date is subject to any modifications that may be made to those regulations.


- O. "Section 303(d) list" means the final list of waters developed pursuant to Section 303(d) of the CWA and 40 C.F.R. § 130.7 for Virginia and either approved or established by EPA, or when appropriate, approved in part and established in part by EPA.
- P. "Settlement Agreement" means the Agreement between the parties executed concurrently with this Decree.
- Q. "Subsequent Section 303(d) list" means any Section 303(d) list developed for Virginia waters subsequent to the next Section 303(d) list and due to be submitted to EPA before May 1, 2011.
- R. "Total Maximum Daily Load" ("TMDL") has the meaning provided at CWA Section 303(d)(1)(C) and EPA's implementing regulations at 40 C.F.R. § 130.2(i). For purposes of this Decree, the term "TMDL" includes a "total maximum daily thermal load" ("TMDTL"), and with respect to a TMDTL, the term "establishment" shall refer to "estimation" within the meaning of CWA Section 303(d)(1)(D).
- S. "United States" means the United States of America, including its officers, agencies, departments and instrumentalities.
- T. "Virginia" means the Commonwealth of Virginia and in particular the Virginia


Department of Environmental Quality and the Virginia Department of Conservation and Natural Resources, which are the Virginia agencies responsible for development of TMDLs for Virginia.

- U. "Water Quality Limited Segment" ("WQLS") has the meaning provided at CWA Section 303(d)(1)(A) and (B) and EPA's implementing regulations at 40 C.F.R. § 130.2(j).
- V. "Water Quality Standard" ("WQS") has the meaning provided at 40 C.F.R. § 130.2(d).

II. SECTION 303(d) LISTS

4. In order to address Plaintiffs' concerns regarding Virginia's 1996 and 1998 Section 303(d) lists, EPA agrees to take the following steps regarding the development and establishment of Virginia's next Section 303(d) list.

 (a) Within 60 days of the entry of this Decree, EPA shall transmit to Virginia the list of waters and pollutants identified in Attachment B to this Decree for Virginia's consideration in developing the next Section 303(d) list. EPA considers Attachment B to be existing and readily available water quality-related data and information for the next Section 303(d) list, but by entering into this Decree EPA is not making any determination regarding whether any Attachment B waters and pollutants should be part of that list; rather, EPA is agreeing only that they must be considered by Virginia and EPA in making that determination.

 (b) In addition to the public notice provided by Virginia regarding its proposed next Section 303(d) list, EPA as soon as possible shall provide notice of availability of that proposed list in the Federal Register. In its notice, EPA shall identify Virginia's public comment

period and the state contact(s) for further information, and shall specify that comments are to be sent to Virginia. EPA shall coordinate with Virginia with the objective of publishing concurrent notices.

(c) In reviewing the next Section 303(d) list, EPA shall determine whether the list includes the Attachment B waters and pollutants. If EPA finds that the next Section 303(d) list does not include all Attachment B waters or pollutants, then in accordance with 40 C.F.R.

§ 130.7(b) EPA shall either:

- ✓ (1) determine that such water(s) and pollutant(s) need to be listed, disapprove the omission of such water(s) and pollutant(s), and propose for public notice and comment a list that includes such water(s) and pollutant(s); or
- ✓ (2) determine that such water(s) and pollutant(s) need not be listed and approve the omission of such water(s) and pollutant(s).

(d) EPA expects Virginia to provide a waterbody-specific rationale justifying the omission of any Attachment B water or pollutant. As part of EPA's decision on the next Section 303(d) list, EPA shall provide a waterbody-specific rationale justifying the omission of any Attachment B water or pollutant, and EPA shall provide a copy of the decision to the Plaintiffs.

(e) Within 30 days of either approving the next Section 303(d) list or identifying waters to be added to the next Section 303(d) list, whichever is later, EPA shall (1) compile a list of all Attachment B waters and pollutants, if any, that appear on the next Section 303(d) list, as approved and, if necessary, supplemented by EPA; (2) specify which are Category 2 Waters and Category 4 Waters; and (3) file a motion to amend this Consent Decree to include that list (denominated Attachment C).

III. ESTABLISHMENT OF TMDLS

5. (a) For all waters described below, EPA expects Virginia to develop TMDLs for all pollutants for which each WQLS is identified and to submit those TMDLs to EPA for review and approval or disapproval (or to provide data and information showing that a TMDL is unnecessary) in accordance with the schedule set forth below. Subject to Paragraph 6(a) below, EPA shall establish TMDLs for each water and pollutant identified in Attachments A and C, according to the deadlines set forth below if Virginia fails to do so. EPA's commitment does not apply to any other waters or pollutants included in the next Section 303(d) list or any subsequent Section 303(d) list.

(b) Deadlines

(1) **CATEGORY 1 WATERS.** These waters are identified in Attachment A.

Date for State Action	Deadline for EPA Action	Number of Category 1 Waters for Each Deadline	Maximum Number of Category 1 Waters for Which EPA may Invoke Paragraphs 6(a)(3) & 6(a)(4) for each Deadline Herein
5/1/99	5/1/00	1	0
5/1/00	5/1/01	12	2
5/1/02	5/1/03	30	6
5/1/04	5/1/05	55	11
5/1/06	5/1/07	64	13
5/1/08	5/1/09	69	14
5/1/10	5/1/11	70	14

(2) **CATEGORY 2 WATERS.** These waters are identified in Attachments A and C.

Percentage of Category 2 Waters from Attachment A	Date for State Action	Deadline for EPA Action
50%	11/9/01	11/9/02
75%	11/9/02	11/9/03
100%	11/9/03	11/9/04

Percentage of Category 2 Waters from Attachment C	Date for State Action	Deadline for EPA Action
100%	11/9/05	11/9/06

(3) **CATEGORY 3 WATERS.** These waters are identified in Attachment A.

Percentage of Category 3 Waters	Date for State Action	Deadline for EPA Action
50%	5/1/06	5/1/07
65%	5/1/08	5/1/09
100%	5/1/10	5/1/11

(4) **CATEGORY 4 WATERS.** These waters are identified in Attachment C.

Percentage of Category 4 Waters	Date for State Action	Deadline for EPA Action
25%	5/1/04	5/1/05
50%	5/1/06	5/1/07
75%	5/1/08	5/1/09
100%	5/1/10	5/1/11

6. (a) For purposes of measuring EPA's compliance with the deadlines described in Paragraph 5, EPA may count:

- (1) TMDLs that Virginia establishes and EPA approves;
- (2) TMDLs that EPA establishes;
- (3) WQLSs or pollutants that are not included on the next or any subsequent Section 303(d) list approved or established by EPA, consistent with Section 303(d) and EPA's implementing regulations at 40 C.F.R. § 130.7;
- (4) WQLSs or pollutants that EPA determines do not need a TMDL, consistent with CWA Section 303(d) and EPA's implementing regulations at 40 C.F.R. § 130.7.

(b) The dates set forth herein for establishing TMDLs include public notice of the TMDL, consideration of public comment, revision of the TMDL as necessary, and EPA final action on the TMDL.

IV. CONTINUING PLANNING PROCESS

7. By November 1, 2000, EPA shall review the current version of Virginia's Continuing Planning Process ("CPP") in order to determine whether it is consistent with the CWA and its implementing regulations. EPA shall take the following steps in performing this review.

(a) By January 30, 2000, EPA shall provide a copy of Virginia's current CPP to Plaintiffs and publish a notice of its availability in the Federal Register. This notice shall inform the public of the EPA review process described herein.

(b) By May 1, 2000, EPA shall make a preliminary review of Virginia's CPP to determine whether it is consistent with CWA Section 303(e), 33 U.S.C. § 1313(e), and EPA's

implementing regulations at 40 C.F.R. § 130.5. EPA's review and recommendations shall include, but not be limited to, the following topics: (1) the CPP public participation component, including whether and, if so, how it addresses notice for Section 303(d) actions (including lists and TMDLs) in both locally affected areas as well as statewide and interstate areas; (2) the CPP component regarding the process for developing water quality management ("WQM") plans (including incorporation of TMDLs into WQM plans); and (3) the CPP component regarding NPDES permits, including how Virginia plans to make effluent limitations in new, reissued, or modified NPDES permits consistent with wasteload allocations contained in EPA approved or established TMDLs. By May 1, 2000, EPA shall provide a written summary of its preliminary review of the CPP, including any recommendations for improvement, to the parties, Virginia, and to any other interested parties (upon request) for comment.

(c) By November 1, 2000, EPA shall provide the parties and Virginia with EPA's final written summary of its review of the CPP. Sub EPA's final written summary shall include any recommendations for improvement (including but not limited to the topics identified in Paragraph 7(b)). In preparing that final written summary, EPA will consider any comments that it receives by September 1, 2000.

8. EPA shall keep a current copy of Virginia's CPP at EPA Region III's offices in Philadelphia, Pennsylvania, for public review during the pendency of this Decree.

9. If Virginia does not modify its CPP to be consistent with any EPA recommendations, the CWA and its implementing regulations, EPA shall take appropriate action as provided under the CWA and accompanying regulations.

V. ENDANGERED SPECIES

A. EPA actions under Section 303(c) of CWA regarding Water Quality Standards

10. EPA shall comply with the terms of Sections 7(a)(2) and 7(a)(4) of the ESA and the implementing regulations found at 50 C.F.R. Part 402 with regard to its approval or promulgation of any new or revised water quality standards applicable to Virginia waters.

B. EPA actions under Section 303(d) of CWA regarding lists and TMDLs

11. Whereas EPA intends to ensure that its actions are not likely to jeopardize the continued existence of any endangered species or threatened species listed pursuant to the ESA or result in the destruction or adverse modification of designated critical habitat of any such species, and in the interest of avoiding jeopardy to the continued existence of any species proposed to be listed pursuant to the ESA or the destruction or adverse modification of critical habitat proposed to be designated for such species, EPA shall request information from the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") as to whether any such species or critical habitat may be present in the area affected by any action EPA takes to approve or establish the next Section 303(d) list, any subsequent Section 303(d) list, or any TMDL.

12. Prior to EPA taking final action on the next or any subsequent Section 303(d) list or any TMDLs for Virginia, EPA will provide a copy of such list or TMDL to FWS and/or NMFS, along with a transmittal letter as described in Paragraph 13 that requests information from FWS and/or NMFS as to whether any listed or proposed species or designated or proposed critical habitat may be present in the area affected by any final action EPA takes thereon.

13. EPA's transmittal letter to FWS and/or NMFS for Virginia lists or TMDLs will include

the following language:

"Accompanying this letter is a copy of the (CWA Section 303(d) list) (TMDL) (TMDTL) for _____. EPA is providing this prior to taking final action in an effort to ensure that our respective reviews are coordinated.

EPA is sending this letter as a means of ensuring that any action it takes pursuant to section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(d), is not likely to jeopardize the continued existence of any listed or proposed threatened or endangered species or result in the destruction or adverse modification of any proposed or designated critical habitat of such species. Accordingly, EPA is requesting from (FWS) (NMFS) information as to whether any species which is listed or proposed to be listed, or any designated or proposed critical habitat for such species may be present in the area affected by this action. Consistent with 33 U.S.C § 1313(d)(2), EPA intends to take final action on this (list) (TMDL) (TMDTL) within 30 days. Please provide us with any comments prior to that time."

14. EPA will consider any timely written comments of FWS and/or NMFS before taking final action on the next Section 303(d) list, any subsequent Section 303(d) list, or any TMDL.

VI. EPA'S EVALUATION OF VIRGINIA'S MONITORING PROGRAM

15. EPA expects Virginia to issue a draft long-term monitoring strategy in June 1999. EPA shall evaluate Virginia's water quality monitoring program. Based on that evaluation, EPA (and not a contractor) shall make written recommendations to Virginia regarding Virginia's water quality monitoring program by the end of Virginia's public comment period on the draft strategy or by March 31, 2000, whichever is sooner. For a discussion of the nature of EPA's review of Virginia's monitoring program, see Section IV of the Settlement Agreement. ②

16. EPA will consider Virginia's final long-term monitoring strategy and EPA's recommendations pursuant to Paragraph 15 regarding that strategy to be existing and readily available water quality-related data and information to be used in reviewing and taking final action on the next Section 303(d) list and all subsequent Section 303(d) lists.

VII. COMPLIANCE REPORTING

17. (a) By August 1 of each year, EPA shall submit to Plaintiffs a list identifying the following WQLSs for which EPA took the described actions during the previous 12 month period from May 1 through April 30: (3)

- (1) the WQLSs for which EPA has established TMDLs in that year; (3a)
- (2) the WQLSs for which EPA has approved TMDLs submitted by Virginia in that year; and (3b)
- (3) any other WQLSs identified on Attachments A or C that EPA seeks to (3c)
count in that year pursuant to Paragraph 6(a)(3) or Paragraph 6(a)(4),
including a statement for each water and pollutant explaining why EPA
believes Paragraph 6(a)(3) or Paragraph 6(a)(4) applies. For any Category
2 Water that EPA seeks to count under those paragraphs, EPA shall
include the effective date of the relevant NPDES permit(s) and shall
identify any water quality-based effluent limitation compliance schedule.

(b) By November 15 of each year, EPA shall submit to Plaintiffs a report regarding all EPA actions to comply with this Consent Decree during the previous federal fiscal year, i.e., by October 1. This report will include, but not be limited to, a tracking list of Virginia waters for which EPA or Virginia has previously established TMDLs. The list will indicate for each such water whether, based on the most recent existing and readily available water quality-related data and information, the applicable water quality standard(s) have been met. Waters for which TMDLs have been developed will be maintained on this tracking list until such data shows that the applicable water quality standards have been met. (4)

18. EPA will meet with the Plaintiffs at least once a year, if requested, to discuss in complying with this Decree.

VIII. ADDITIONAL REPORT

19. Whereas EPA Region III has already requested from Virginia the opportunity to review NPDES permits that authorize discharges of pollutant(s) of concern to waters for which a TMDL has been approved or established by EPA, and to address Plaintiffs' concerns regarding the consistency of such NPDES permit effluent limitations with such TMDLs, by November 15 of ⁽⁵⁾ each year, EPA shall transmit to Plaintiffs a report setting forth: (a) a list of NPDES permits transmitted by Virginia to EPA Region III during the previous fiscal year that authorize point source discharges to waters identified on Attachments A or C that have an EPA-approved or -established TMDL with wasteload allocations for one or more pollutants discharged by the point source(s); (b) a list of those NPDES permits that EPA Region III reviewed under Paragraph 12 of the Settlement Agreement; and (c) a list of those NPDES permits that EPA Region III finds are not consistent with the applicable TMDLs. EPA may transmit this report to Plaintiffs as part of the report required under Paragraph 17(b).

IX. EFFECTIVE DATE

20. This Consent Decree shall become effective upon the date of its entry by the Court ("Entry Date"). If for any reason the District Court does not enter this Consent Decree, the obligations set forth in this Decree are null and void. The parties agree to join in and support such legal proceedings as necessary to secure the Court's approval and entry of this Consent Decree.

**X. REMEDY, SCOPE OF JUDICIAL REVIEW
AND CONTINUING JURISDICTION**

21. The Court retains jurisdiction for the purposes of resolving any disputes arising under this Consent Decree, and for issuing such further orders or directions as may be necessary or appropriate to construe, implement, modify, or enforce the terms of this Consent Decree, and for granting any further relief as the interests of justice may require.

22. Prior to seeking the remedy of contempt with respect to any EPA failure to perform its obligations in Paragraph 9, Plaintiffs must first petition the Court to order EPA to perform any such obligations. EPA reserves all its defenses to any such petition. The parties agree that the remedy of contempt is not available for EPA's failure to perform such obligations, but is available for EPA's violation of any order Plaintiffs obtain from the Court directing EPA to perform such obligations.

23. Plaintiffs' sole remedy to address the merits of EPA's final action on the next Section 303(d) list, any subsequent Section 303(d) list, any TMDL, or the CPP is to challenge such final action under the CWA and/or the APA, and Plaintiffs reserve their rights to bring any such challenge. EPA reserves all its defenses to any such suit(s).

24. Nothing in this Consent Decree shall be construed to confer upon the Court jurisdiction, beyond that specifically arising under this Decree to review any decision, either procedural or substantive, to be made by EPA pursuant to this Consent Decree. This paragraph does not authorize EPA to change any of its obligations under this Consent Decree.

25. Nothing in this Decree alters or affects the standards for judicial review of final EPA agency action.

XI. RELEASE BY PLAINTIFFS AND RESERVATION OF RIGHTS

26. Upon entry, this Consent Decree, together with the Settlement Agreement, shall constitute a complete and final settlement of all claims asserted by Plaintiffs in the Complaint, subject to the express reservations of rights in Paragraphs 27 and 28 herein and in Paragraphs 21 and 23 of the Settlement Agreement.

27. Plaintiffs hereby release, discharge, and covenant not to assert against EPA (by way of the commencement of an action, the joinder of EPA in an existing action or in any other fashion) any and all claims, causes of action, suits or demands of any kind whatsoever, in law or in equity, that were asserted or should have been asserted under principles of res judicata by Plaintiffs in the Complaint. Plaintiffs do not release any claims with respect to Virginia's water quality standards except as they relate to Counts XI and XII of the Complaint.

28. Nothing in this Decree shall otherwise waive or limit Plaintiffs' rights to bring any actions or claims regarding EPA's obligations in States other than Virginia, including but not limited to, the ongoing actions and claims in the District of New Jersey (C.A. No. 96-CV-339) and in the District of Maryland (C.A.WMN-97-3838). EPA reserves all its defenses to such suits.

XII. TERMINATION OF CONSENT DECREE AND DISMISSAL OF CLAIMS

29. This Consent Decree shall terminate after fulfillment of all EPA's obligations under Sections II, III, IV, VI and VIII of this Decree. Upon termination of this Decree, this case shall be dismissed with prejudice. The parties jointly shall file the appropriate notice with the Court

~~so that~~ the Clerk of Court may close the file.

XIII. FORCE MAJEURE

30. The parties recognize that the performance of this Decree is subject to fiscal and procurement laws and regulations of the United States which include, but are not limited to, the ~~Anti-~~Deficiency Act, 31 U.S.C. § 1341, et seq. The possibility exists that circumstances outside ~~the~~ reasonable control of EPA could delay compliance with the timetables specified in this ~~Decree~~. Such situations include, but are not limited to, a government shutdown such as occurred in 1995 and 1996, or catastrophic environmental events requiring immediate and/or ~~the~~ consuming response by EPA. Should a delay occur due to such circumstances, any ~~resulting~~ failure to meet the timetables set forth herein shall not constitute a failure to comply ~~with~~ the terms of this Decree, and any deadlines occurring within 120 days of the termination of ~~the~~ delay shall be extended one day for each day of the delay. EPA will provide Plaintiffs with ~~notice~~ as soon as possible under the circumstances when it learns the facts upon which EPA ~~seeks~~ to invoke this provision, and then with reasonable notice of the termination of the force ~~majeure~~ event. Any dispute regarding this provision shall be resolved in accordance with Paragraph 31. If challenged, EPA shall have the burden to demonstrate that force majeure was ~~appropriately~~ invoked.

XIV. DISPUTE RESOLUTION

31. In the event of a disagreement concerning any aspect of this Decree, the dissatisfied ~~party~~ shall provide the other party with written notice of the dispute and a request for ~~mediation~~. The parties shall meet and confer in order to attempt to resolve the dispute within 30 days of the written notice, or such time thereafter as is mutually agreed. If the parties are

unable to resolve the dispute within 60 days of such notice, or such time thereafter as is mutually agreed, then either party may petition the Court to resolve the dispute.

XV. MODIFICATIONS

32. This Decree may be modified by written agreement of the parties and approval by the Court. Nothing herein shall be construed to limit the Court's equitable powers to modify the Decree upon a showing of good cause by any party. Good cause includes, but is not limited to, changes in the laws or regulations implementing CWA Section 303 that affect EPA's commitments hereunder. In EPA's view, the failure of Congress to appropriate sufficient funds to meet its obligations in this Decree would constitute good cause for the modification of this Decree. EPA shall have the burden to demonstrate good cause. The Plaintiffs reserve their rights to object to such request for modification.

33. Any dates set forth in this Decree may be modified by written agreement of the parties and notice to the Court. To the extent the parties are not able to agree to a modification, either party may seek a modification of this Decree in accordance with the procedures specified below.

(a) If either party files a motion requesting modification of a date or dates established by this Decree totaling more than 30 days and provides notice to the other party at least 30 days prior to filing such motion, and files the motion at least 60 days prior to the date for which modification is sought, then the filing of such motion shall, upon request, extend the date for which modification is sought. Such extension shall remain in effect until the earlier to occur of (i) a dispositive ruling by this Court on such motion, or (ii) the date sought in such motion. Either party may move the Court for a longer extension.

(b) If a party files a motion requesting modification of a date or dates established by this

Decree totaling 30 days or less, provides notice to the other party at least 15 days prior to the filing of such motion, and files the motion at least seven days prior to the date for which modification is sought, then the filing of such motion shall, upon request, extend the date for which modification is sought. Such extension shall remain in effect until the earlier to occur of (i) a dispositive ruling by this Court on such motion, or (ii) the date sought in the modification.

(c) If a party does not provide notice pursuant to Paragraphs 33(a) or 33(b) above, that party may move the Court for a stay of the date for which modification is sought. That party shall give notice to the other party as soon as reasonably possible of its intent to seek a modification and/or stay of the date sought to be modified.

(d) If the Court denies a motion by a party to modify a date established by this Decree, then the date for performance for which modification had been requested shall be such date as the Court may specify.

(e) Any motion to modify the schedule established in this Decree shall be accompanied by a joint motion for expedited consideration.

XVI. AGENCY DISCRETION

34. Except as expressly provided herein, nothing in this Consent Decree shall be construed to limit or modify the discretion accorded EPA by the CWA, the ESA, the APA, or by general principles of administrative law, including EPA's discretion to revise, amend or promulgate regulations, or to alter, amend, or revise from time to time any actions EPA may perform pursuant to this Decree. This paragraph does not accord EPA the discretion to change any of its obligations under this Decree.

XVII. MODIFICATION TO REGULATIONS

35. As this Decree is being negotiated, EPA is undertaking rulemaking to change the EPA's TMDL regulations. In the event of future regulatory changes that any party believes will affect compliance with this Decree, the parties will attempt to agree on appropriate changes to this Decree. In such an event, the parties agree to negotiate in good faith and not to withhold consent unreasonably to changes in this Decree. In the event of a disagreement between the parties regarding the appropriate changes to the Decree, the parties will use the procedures in Paragraph 31.

XVIII. COSTS

36. EPA agrees that Plaintiffs are entitled to reasonable attorneys' fees and costs accrued as of the Entry Date. The parties will attempt to reach agreement as to the appropriate amount of the recovery. If they are unable to do so, Plaintiffs may file an application with the Court for the recovery of reasonable fees and costs within 90 days of the Entry Date, and EPA shall respond to it within 60 days. These deadlines may be changed as mutually agreed by the parties.

XIX. NOTICE

37. All notices required or made with respect to this Decree shall be in writing, shall be effective upon receipt, and shall be sent to:

For the Plaintiffs:

James M. Stuhltrager, Esq.
Eastern Environmental Law Center c/o
Widener University School of Law
4601 Concord Pike, P.O. Box 7474
Wilmington, DE 19803
james.m.stuhltrager@law.widener.edu

David Bookbinder, Esq.
American Canoe Association, Inc.

7432 Alban Station Blvd., Suite B-232
Springfield, VA 22150-2311
acalegal@aol.com

For the Defendants:

Associate General Counsel, Water Law Office
Office of General Counsel (2355)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Kerry Nelson
Office of Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

Letitia Grishaw, Chief
Environmental Defense Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986

Upon written notice to the other party, any party may designate a successor contact person for any matter relating to this Decree.

XX. REPRESENTATIVE AUTHORITY

38. Each undersigned representative of the parties certifies that he or she is fully authorized by the party to enter into and execute this Decree, and to legally bind such party to this Decree.

XXI. MUTUAL DRAFTING

39. It is hereby expressly understood and agreed that this Decree was jointly drafted by the parties. Accordingly, the parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute

concerning the terms, meaning, or interpretation of this Decree.

XXII. COUNTERPARTS

40. This Decree may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any party shall have the same force and effect as if that party had signed all other counterparts.

XXIII. USE OF CONSENT DECREE

41. This Decree shall not constitute an admission or evidence of any fact, wrongdoing, misconduct, or liability on the part of any party.

XXIV. COMPLIANCE WITH OTHER LAWS

42. No provision of this Decree shall be interpreted as or constitute a commitment or requirement that EPA obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or take actions in contravention of the APA, the CWA, the ESA, or any other law or regulation, either substantive or procedural.

XXV. APPLICABLE LAW

43. This Decree shall be governed by and construed under the laws of the United States.

XXVI. THIRD-PARTY BENEFICIARIES

44. Nothing in this Decree shall be construed to make any other person or entity not executing this Decree a third-party beneficiary hereto.

The parties consent to the form, substance and entry of the foregoing Decree.

FOR THE DEFENDANTS AND THE UNITED STATES OF AMERICA:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Dated: 6/4/99

By: Cynthia Drew
YVETTE M. WILKERSON-BARRON
CYNTHIA A. DREW
Environmental Defense Section
Environment and Natural Resources Division
P.O. Box 23986
Washington, D.C. 20026

Dated: 6/4/99

By: Jane Davenport
JANE P. DAVENPORT
Wildlife and Marine Resources Section
Environment and Natural Resources Division
P.O. Box 7369
Ben Franklin Station
Washington, D.C. 20044-7369

United States Attorney
Eastern District of Virginia

Dated: 6-4-99

By: Arthur Peabody
ARTHUR PEABODY
Assistant United States Attorney
Eastern District of Virginia

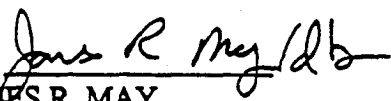
Of Counsel for the Defendants
and the United States of America:

Carol Ann Siciliano
Office of General Counsel (2355)
U.S. Environmental Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460

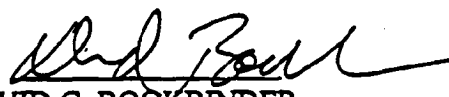
Kerry Nelson
Christopher A. Day
Assistant Regional Counsel (3RC20)
U.S. Environmental Protection Agency,
Region III
1650 Arch Street
Philadelphia, PA 19107

FOR THE PLAINTIFFS:

Dated: 6/4/99

By: 
JAMES R. MAY
Associate Professor of Law and
Director, Environmental and Natural Resources Law Clinic
Widener University School of Law
Co-Director of Eastern Environmental Law Center
4601 Concord Pike
P.O. Box 7474
Wilmington, DE 19802-0474

Dated: 6/4/99

By: 
DAVID G. BOOKBINDER
Director of Environmental Enforcement
American Canoe Association, Inc.
7432 Alban Station Blvd., Suite B-232
Springfield, VA 22150-2311

Dated: 6/4/99

By: James M. Stuhltrager/ds
JAMES M. STUHLTRAGER
Staff Attorney
Eastern Environmental Law Center c/o
Widener University School of Law
4601 Concord Pike
P.O. Box 7474
Wilmington, DE 19802-0474

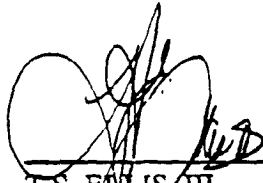
Dated: 6/4/99

By: Dale R. Schmidt/ds
DALE R. SCHMIDT
Virginia Bar # 018189
708 Pendleton Street
The Carriage House
Alexandria, VA 22314

ORDER

UPON CONSIDERATION OF THE FOREGOING, the Court hereby finds that ~~this~~
Consent Decree is fair and reasonable, both procedurally and substantively, consistent with
applicable law, in good faith, and in the public interest. THE FOREGOING Consent Decree is
hereby APPROVED and ENTERED AS FINAL JUDGMENT.

SIGNED and ENTERED this ^{9/15/94} ~~11/15/94~~ day of June, 1994.



T.S. ELLIS, III
Judge, U.S. District Court
Eastern District of Virginia

A True Copy, Teste:
Norman H. Meyer, Jr., Cler.
By June M. Bell
Deputy Clerk

ATTACHMENT A

CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
POQUOSON RIVER	VAT-C07E	Fecal Coliform	CHES BAY/ATL/SM COASTAL
NEW MARKET CREEK	VAT-C07E	Fecal Coliform	CHES BAY/ATL/SM COASTAL
BRICK KILN CREEK	VAT-C07E	Fecal Coliform	CHES BAY/ATL/SM COASTAL
LONDON BRIDGE CREEK	VAT-C08E	Fecal Coliform	CHES BAY/ATL/SM COASTAL
THALIA CREEK	VAT-C08E	Fecal Coliform	CHES BAY/ATL/SM COASTAL
HOLDENS CREEK	VAT-C10E	Fecal Coliform	CHES BAY/ATL/SM COASTAL
SANDY BOTTOM BRANCH	VAT-C10R	Benthic	CHES BAY/ATL/SM COASTAL
SANDY BOTTOM BRANCH	VAT-C10R	Fecal Coliform	CHES BAY/ATL/SM COASTAL
UNNAMED TRIBUTARY TO SANDY BOTTOM BRANCH	VAT-C10R	Benthic	CHES BAY/ATL/SM COASTAL
UNNAMED TRIBUTARY TO SANDY BOTTOM BRANCH	VAT-C10R	Fecal Coliform	CHES BAY/ATL/SM COASTAL
PETIT BRANCH	VAT-D02R	Fecal Coliform	CHES BAY/ATL/SM COASTAL
PETIT BRANCH	VAT-D02R	Ammonia, Benthic	CHES BAY/ATL/SM COASTAL
PARKER CREEK	VAT-D03R	Fecal Coliform, Benthic	CHES BAY/ATL/SM COASTAL
ROSES CREEK	VAP-K07R	Fecal Coliform	CHOWAN RIVER AND DISMAL SWAMP BASIN
ROSES CREEK	VAP-K07R	Fecal Coliform, Benthic	CHOWAN RIVER AND DISMAL SWAMP BASIN
HURRICANE BRANCH, UT - UNNAMED TRIBUTARY	VAP-K16R	Benthic	CHOWAN RIVER AND DISMAL SWAMP BASIN
SPRING BRANCH	VAP-K32R	Benthic	CHOWAN RIVER AND DISMAL SWAMP BASIN
WEST NECK CREEK	VAT-K41R	Fecal Coliform	CHOWAN RIVER AND DISMAL SWAMP BASIN
NAWNEY CREEK	VAT-K42E	Fecal Coliform	CHOWAN RIVER AND DISMAL SWAMP BASIN
JAMES RIVER	VAP-G01E	Fecal Coliform	JAMES RIVER BASIN
ALMOND CREEK	VAP-G01R	Fecal Coliform	JAMES RIVER BASIN
FOURMILE CREEK	VAP-G02R	Fecal Coliform, pH	JAMES RIVER BASIN
JAMES RIVER	VAP-G02R	Fecal Coliform	JAMES RIVER BASIN
BAILEY BAY, BAILEY CREEK (TIDAL)	VAP-G03E	Fecal Coliform, Benthic, DO	JAMES RIVER BASIN
BAILEY CREEK	VAP-G03R	Fecal Coliform, DO	JAMES RIVER BASIN
UPHAM BROOK	VAP-G05R	Fecal Coliform	JAMES RIVER BASIN
CHICKAHOMINY RIVER, UT - UNNAMED TRIBUTARY	VAP-G05R	Benthic	JAMES RIVER BASIN

ATTACHMENT A

CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
WHITE OAK SWAMP	VAP-G06R	Fecal Coliform, pH	JAMES RIVER BASIN
MORRIS CREEK	VAP-G08R	Fecal Coliform, DO, pH	JAMES RIVER BASIN
DEEP CREEK	VAP-H33R	DO	JAMES RIVER BASIN
WILLIS RIVER	VAP-H36R	Fecal Coliform	JAMES RIVER BASIN
JAMES RIVER	VAP-H39R	Fecal Coliform, Benthic	JAMES RIVER BASIN
TUCKAHOE CREEK	VAP-H39R	Fecal Coliform, DO	JAMES RIVER BASIN
APPOMATTOX RIVER	VAP-J01R	Fecal Coliform	JAMES RIVER BASIN
SAYLERS CREEK	VAP-J06R	Fecal Coliform	JAMES RIVER BASIN
APPOMATTOX RIVER	VAP-J06R	Fecal Coliform	JAMES RIVER BASIN
FLAT CREEK	VAP-J08R	Fecal Coliform	JAMES RIVER BASIN
DEEP CREEK, UT - UNNAMED TRIBUTARY	VAP-J11R	Benthic	JAMES RIVER BASIN
WINTERPOCK CREEK	VAP-J12R	DO	JAMES RIVER BASIN
WINTICOMACK CREEK	VAP-J12R	DO	JAMES RIVER BASIN
APPOMATTOX RIVER	VAP-J15E	Fecal Coliform	JAMES RIVER BASIN
POWHATAN CREEK	VAT-G10E	Fecal Coliform	JAMES RIVER BASIN
PAGAN RIVER	VAT-G11E	Fecal Coliform	JAMES RIVER BASIN
SHINGLE CREEK	VAT-G13E	Fecal Coliform	JAMES RIVER BASIN
NANSEMOND RIVER	VAT-G13E	Fecal Coliform	JAMES RIVER BASIN
SOUTHERN BRANCH - ELIZABETH R	VAT-G15E	Tributyltin	JAMES RIVER BASIN
EASTERN BRANCH - ELIZABETH R	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ELIZABETH RIVER	VAT-G15E	Tributyltin	JAMES RIVER BASIN
BROAD CREEK	VAT-G15E	Fecal Coliform	JAMES RIVER BASIN
MONTEBELLO SPRING BRANCH	VAV-H09R	Benthic	JAMES RIVER BASIN
ROCKFISH RIVER	VAV-H16R	Benthic	JAMES RIVER BASIN
S.F. RIVANNA RIVER	VAV-H26R	Fecal Coliform	JAMES RIVER BASIN
N.F. RIVANNA RIVER	VAV-H27R	Benthic	JAMES RIVER BASIN
RIVANNA RIVER	VAV-H28R	Benthic	JAMES RIVER BASIN
MOORES CREEK	VAV-H28R	Fecal Coliform	JAMES RIVER BASIN
RIVANNA RIVER	VAV-H29R	Benthic	JAMES RIVER BASIN
COURSEY SPRINGS BRANCH	VAV-H14R	Benthic	JAMES RIVER BASIN
CASTALINE SPRING BRANCH	VAV-H32R	Benthic	JAMES RIVER BASIN
LITTLE CALFPASTURE RIVER	VAV-H32R	Benthic	JAMES RIVER BASIN
KERRS CREEK	VAV-H33R	Benthic	JAMES RIVER BASIN
HAYS/MOFFATT'S CREEKS	VAV-H34R	Fecal Coliform	JAMES RIVER BASIN
CEDAR GROVE BRANCH	VAV-H35R	Fecal Coliform	JAMES RIVER BASIN
MILL CREEK	VAV-H35R	Fecal Coliform	JAMES RIVER BASIN

ATTACHMENT A

CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
JAMES RIVER	VAW-118R	Benthic	JAMES RIVER BASIN
JAMES RIVER	VAW-H01R	Fecal Coliform	JAMES RIVER BASIN
REED CREEK	VAW-H01R	Fecal Coliform	JAMES RIVER BASIN
JAMES RIVER	VAW-H03R	Fecal Coliform	JAMES RIVER BASIN
FISHING CREEK	VAW-H03R	Fecal Coliform	JAMES RIVER BASIN
BLACKWATER CREEK	VAW-H03R	Fecal Coliform	JAMES RIVER BASIN
IVY CREEK	VAW-H03R	Fecal Coliform	JAMES RIVER BASIN
BUFFALO RIVER	VAW-H12R	Benthic	JAMES RIVER BASIN
JACKSON RIVER	VAW-I04R	Fecal Coliform, Benthic, DO	JAMES RIVER BASIN
JACKSON RIVER	VAW-I09R	Fecal Coliform, Benthic, DO(T	JAMES RIVER BASIN
JAMES RIVER	VAW-I18R	Benthic	JAMES RIVER BASIN
JAMES RIVER	VAW-I24R	Benthic	JAMES RIVER BASIN
LOONEY MILL CREEK	VAW-I26R	Fecal Coliform	JAMES RIVER BASIN
NEW RIVER	VAS-N02R	Benthic	NEW RIVER BASIN
CHESTNUT CREEK	VAS-N06R	Benthic	NEW RIVER BASIN
NEW RIVER	VAS-N08R	Benthic	NEW RIVER BASIN
HUNTING CAMP CREEK	VAS-N31R	Benthic	NEW RIVER BASIN
BLUESTONE RIVER	VAS-N36R	Fecal Coliform	NEW RIVER BASIN
LAUREL FORK	VAS-N37R	Fecal Coliform, DO, Benthic	NEW RIVER BASIN
PEAK CREEK	VAW-N17R	Benthic	NEW RIVER BASIN
CRAB CREEK	VAW-N18R	Fecal Coliform, Benthic	NEW RIVER BASIN
DODD CREEK	VAW-N20R	Fecal Coliform	NEW RIVER BASIN
MILL CREEK	VAW-N21R	Fecal Coliform	NEW RIVER BASIN
STROUBLES CREEK	VAW-N22R	Benthic	NEW RIVER BASIN
BACK CREEK	VAW-N22R	Fecal Coliform	NEW RIVER BASIN
PINEY RUN	VAN-A01R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
CATOCTIN CREEK	VAN-A02R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK CATOCTIN CREEK	VAN-A02R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH FORK CATOCTIN CREEK	VAN-A02R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
CROMWELLS RUN	VAN-A05R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH FORK GOOSE CREEK	VAN-A06R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
BEAVERDAM CREEK	VAN-A07R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN

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ATTACHMENT A

CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
GOOSE CREEK	VAN-A08R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
LITTLE RIVER	VAN-A08R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SYCOLIN CREEK	VAN-A08R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
DIFFICULT RUN	VAN-A11R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
FOUR MILE RUN	VAN-A12E	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
FOUR MILE RUN	VAN-A12R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
HUNTING CREEK	VAN-A13E	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
ACCOTINK CREEK	VAN-A15R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
ACCOTINK CREEK	VAN-A15R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
CEDAR RUN	VAN-A17R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
LICKING RUN	VAN-A17R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
CEDAR RUN	VAN-A18R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH RUN	VAN-A19R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
BULL RUN	VAN-A23R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MATTOX CREEK	VAP-A31E	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
WEST STRAIT CREEK	VAV-B02R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
OPEQUON CREEK	VAV-B08R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
ABRAMS CREEK	VAV-B09R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
OPEQUON CREEK	VAV-B09R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MIDDLE RIVER	VAV-B10R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
COCKRAN SPRING	VAV-B10R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MIDDLE RIVER	VAV-B11R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
LEWIS CREEK	VAV-B12R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MOFFETT CREEK	VAV-B13R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
CHRISTIANS CREEK	VAV-B14R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MIDDLE RIVER	VAV-B15R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
POLECAT DRAFT	VAV-B15R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH RIVER	VAV-B17R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
MOSSY CREEK	VAV-B19R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
DRY RIVER	VAV-B21R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
MUDDY CREEK/DRY RIVER/NORTH RIVER	VAV-B21R	Nitrate-Nitrogen	POTOMAC AND SHENANDOAH RIVER BASIN
MUDDY CREEK/DRY CREEK/NORTH RIVER	VAV-B22R	Nitrate-Nitrogen	POTOMAC AND SHENANDOAH RIVER BASIN
MUDDY CREEK/DRY CREEK/NORTH RIVER	VAV-B22R	Nitrate-Nitrogen	POTOMAC AND SHENANDOAH RIVER BASIN
MUDDY CREEK	VAV-B22R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH RIVER	VAV-B23R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
COOKS CREEK	VAV-B25R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN

ATTACHMENT A

CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
BLACKS RUN	VAV-B26R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
PLEASANT RUN	VAV-B27R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
NAKED CREEK	VAV-B28R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
MILL CREEK	VAV-B29R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH RIVER	VAV-B30R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH RIVER/S.F. SHENANDOAH RIVER	VAV-B32R	VDH Health Advisory - Mercu	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH RIVER	VAV-B32R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B33R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
CUB RUN	VAV-B34R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
QUAIL RUN	VAV-B35R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B35R	VDH Health Advisory - Mercur	POTOMAC AND SHENANDOAH RIVER BASIN
NAKED CREEK	VAV-B36R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B38R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MILL CREEK	VAV-B38R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
HAWKSBILL CREEK	VAV-B39R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B40R	VDH Health Advisory - Mercu	POTOMAC AND SHENANDOAH RIVER BASIN
S.F. SHENANDOAH RIVER/SHENANDOAH RIVER	VAV-B41R	VDH Health Advisory - PCBs	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH FORK SHENANDOAH RIVER	VAV-B45R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
HOLMANS CREEK	VAV-B45R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
LINVILLE CREEK	VAV-B46R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SMITH CREEK	VAV-B47R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SMITH CREEK	VAV-B47R	Fecal Coliform	POTOMAC AND SHENANDOAH RIVER BASIN
LACEY SPRING	VAV-B47R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
MILL CREEK	VAV-B48R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
TOMS BROOK	VAV-B50R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
N.F. SHENANDOAH RIVER	VAV-B51R	VDH Health Advisory - PCBs	POTOMAC AND SHENANDOAH RIVER BASIN
ORNDORFF SPRING BRANCH	VAV-B52R	Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B55R	VDH Health Advisory - PCBs	POTOMAC AND SHENANDOAH RIVER BASIN
SPOUT RUN	VAV-B57R	Fecal Coliform, Benthic	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B57R	VDH Health Advisory - PCBs	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK SHENANDOAH RIVER	VAV-B58R	VDH Health Advisory - PCBs	POTOMAC AND SHENANDOAH RIVER BASIN
THUMB RUN	VAN-E01R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
GREAT RUN	VAN-E02R	Fecal Coliform, Benthic	RAPPAHANNOCK RIVER BASIN

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CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
CARTER RUN	VAN-E02R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
MUDDY RUN	VAN-E07R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
MARSH RUN	VAN-E08R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
MOUNTAIN RUN	VAN-E09R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
MOUNTAIN RUN	VAN-E09R	Benthic	RAPPAHANNOCK RIVER BASIN
ALCOTTI RUN	VAN-E10R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
DEEP RUN	VAN-E10R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
LITTLE DARK RUN	VAN-E15R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
CLAIBORNE RUN	VAN-E20R	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
HOSKINS CREEK	VAP-E23E	Fecal Coliform	RAPPAHANNOCK RIVER BASIN
CAT POINT CREEK	VAP-E23R	pH	RAPPAHANNOCK RIVER BASIN
PISACATAWAY CREEK	VAP-E23R	pH	RAPPAHANNOCK RIVER BASIN
MOUNT LANDING CREEK	VAP-E23R	pH	RAPPAHANNOCK RIVER BASIN
ROANOKE RIVER	VAP-L36R	VDH Health Advisory - PCBs	ROANOKE RIVER BASIN
ROANOKE RIVER	VAP-L38R	VDH Health Advisory - PCBs	ROANOKE RIVER BASIN
ROANOKE RIVER	VAP-L38R	Fecal Coliform	ROANOKE RIVER BASIN
ASH CAMP CREEK	VAP-L39R	Benthic	ROANOKE RIVER BASIN
TWITTYS CREEK	VAP-L39R	Benthic	ROANOKE RIVER BASIN
ROANOKE RIVER	VAP-L40R	Fecal Coliform	ROANOKE RIVER BASIN
ROANOKE RIVER	VAP-L40R	VDH Health Advisory - PCBs	ROANOKE RIVER BASIN
DIFFICULT CREEK	VAP-L41R	Fecal Coliform	ROANOKE RIVER BASIN
DAN RIVER	VAP-L62R	Fecal Coliform	ROANOKE RIVER BASIN
BIRCH CREEK	VAP-L63R	Fecal Coliform	ROANOKE RIVER BASIN
DAN RIVER	VAP-L64R	Fecal Coliform	ROANOKE RIVER BASIN
BANISTER RIVER	VAP-L67R	Fecal Coliform	ROANOKE RIVER BASIN
BANISTER RIVER	VAP-L71R	Fecal Coliform	ROANOKE RIVER BASIN
BANISTER RIVER	VAP-L71R	Fecal Coliform	ROANOKE RIVER BASIN
DAN RIVER	VAP-L73R	Fecal Coliform	ROANOKE RIVER BASIN
ROANOKE RIVER	VAP-L78R	DO	ROANOKE RIVER BASIN
FLAT CREEK	VAP-L79R	Fecal Coliform, Benthic	ROANOKE RIVER BASIN
ROANOKE RIVER	VAP-L79R	DO	ROANOKE RIVER BASIN
WILSON CREEK	VAW-L02R	Fecal Coliform	ROANOKE RIVER BASIN
ROANOKE RIVER	VAW-L04R	Fecal Coliform, Benthic	ROANOKE RIVER BASIN
ORE BRANCH	VAW-L04R	Fecal Coliform	ROANOKE RIVER BASIN

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CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
GLADE CREEK	VAW-L05R	Fecal Coliform	ROANOKE RIVER BASIN
TINKER CREEK	VAW-L05R	Fecal Coliform	ROANOKE RIVER BASIN
LICK RUN	VAW-L05R	Fecal Coliform	ROANOKE RIVER BASIN
ROANOKE RIVER	VAW-L07R	Fecal Coliform	ROANOKE RIVER BASIN
BLACKWATER RIVER	VAW-L08R	Fecal Coliform, Benthic	ROANOKE RIVER BASIN
BLACKWATER RIVER	VAW-L08R	Fecal Coliform, Benthic	ROANOKE RIVER BASIN
NORTH FORK OF THE BLACKWATER RIVER	VAW-L08R	Fecal Coliform, Benthic	ROANOKE RIVER BASIN
SOUTH FORK OF THE BLACKWATER RIVER	VAW-L08R	Fecal Coliform	ROANOKE RIVER BASIN
MAGGODEE CREEK	VAW-L09R	Fecal Coliform	ROANOKE RIVER BASIN
BLACKWATER RIVER	VAW-L10R	Fecal Coliform	ROANOKE RIVER BASIN
GILLS CREEK	VAW-L11R	Fecal Coliform	ROANOKE RIVER BASIN
PIGG RIVER	VAW-L14R	Fecal Coliform	ROANOKE RIVER BASIN
STOREY CREEK	VAW-L14R	Fecal Coliform	ROANOKE RIVER BASIN
PIGG RIVER	VAW-L18R	Fecal Coliform	ROANOKE RIVER BASIN
SHEEPS CREEK	VAW-L23R	Fecal Coliform	ROANOKE RIVER BASIN
ELK CREEK	VAW-L25R	Fecal Coliform	ROANOKE RIVER BASIN
LITTLE OTTER RIVER	VAW-L26R	Fecal Coliform	ROANOKE RIVER BASIN
MACHINE CREEK	VAW-L26R	Fecal Coliform	ROANOKE RIVER BASIN
BIG OTTER RIVER	VAW-L28R	Fecal Coliform	ROANOKE RIVER BASIN
ROANOKE RIVER	VAW-L30R	Fecal Coliform	ROANOKE RIVER BASIN
ROANOKE RIVER	VAW-L30R	VDH Health Advisory - PCBs	ROANOKE RIVER BASIN
FALLING RIVER	VAW-L34R	Fecal Coliform	ROANOKE RIVER BASIN
DAN RIVER	VAW-L42R	Fecal Coliform	ROANOKE RIVER BASIN
SOUTH MAYO RIVER	VAW-L45R	Fecal Coliform	ROANOKE RIVER BASIN
SMITH RIVER	VAW-L54R	Benthic	ROANOKE RIVER BASIN
FALL CREEK	VAW-L61R	Fecal Coliform	ROANOKE RIVER BASIN
CHERRYSTONE CREEK	VAW-L66R	Fecal Coliform	ROANOKE RIVER BASIN
MCCLURE RIVER	VAS-Q11R	Fecal Coliform	TENNESSEE/BIG SANDY RIVER BASIN
Russel Prater Creek	VAS-Q12R	Benthic	TENNESSEE/BIG SANDY RIVER BASIN
NORTH FORK POUND RIVER	VAS-Q13R	Benthic	TENNESSEE/BIG SANDY RIVER BASIN
SOUTH FORK POUND RIVER	VAS-Q13R	Benthic	TENNESSEE/BIG SANDY RIVER BASIN
HUTTON CREEK	VAS-O05R	Fecal Coliform, Benthic	TENNESSEE/BIG SANDY RIVER BASINS

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CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
BYERS CREEK	VAS-O05R	Fecal Coliform, Benthic	TENNESSEE/BIG SANDY RIVER BASINS
HALL CREEK	VAS-O05R	Fecal Coliform, Benthic	TENNESSEE/BIG SANDY RIVER BASINS
CEDAR CREEK	VAS-O05R	Fecal Coliform, Benthic	TENNESSEE/BIG SANDY RIVER BASINS
BEAVER CREEK	VAS-O07R	Fecal Coliform, Benthic	TENNESSEE/BIG SANDY RIVER BASINS
LITTLE CREEK	VAS-O07R	Fecal Coliform	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK HOLSTON RIVER	VAS-O09R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK HOLSTON	VAS-O10R	VDH Health Advisory - Mercury	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK HOLSTON RIVER	VAS-O11R	VDH Health Advisory - Mercury	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK HOLSTON RIVER	VAS-O12R	VDH Health Advisory - Mercury	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK HOLSTON RIVER	VAS-O13R	Fecal Coliform	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK HOLSTON RIVER	VAS-O13R	VDH Health Advisory - Mercury	TENNESSEE/BIG SANDY RIVER BASINS
CLINCH RIVER	VAS-P01R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
MIDDLE CREEK	VAS-P03R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
LEWIS CREEK	VAS-P04R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
DUMPS CREEK	VAS-P08R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
LICK CREEK, LAUREL BR, STRAIGHT HOL., RT.FK., CIGA	VAS-P10R	Fecal Coliform, Benthic	TENNESSEE/BIG SANDY RIVER BASINS
GUEST R., CRAB ORCH.CK, SEPULCHER CK., YELLOW CK, TOM,	VAS-P11R	Fecal Coliform	TENNESSEE/BIG SANDY RIVER BASINS
GUEST RIVER	VAS-P11R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
STOCK CREEK	VAS-P13R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
CALLAHAN CREEK	VAS-P17R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
POWELL RIVER	VAS-P17R	Fecal Coliform	TENNESSEE/BIG SANDY RIVER BASINS
BLACK CREEK AND TRIBUTARIES	VAS-P17R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
NORTH FORK POWELL RIVER	VAS-P20R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
STRAIGHT CREEK	VAS-P20R	Fecal Coliform	TENNESSEE/BIG SANDY RIVER BASINS
STRAIGHT CREEK, STONE CREEK AND TRIBUTARIES	VAS-P20R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
EAST AND WEST BATIE CREEK	VAS-P21R	DO	TENNESSEE/BIG SANDY RIVER BASINS
PAWPAW CREEK	VAS-Q03R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
KNOX CREEK	VAS-Q03R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
GARDEN CREEK	VAS-Q04R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
LEVISA FORK	VAS-Q04R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
SLATE CREEK	VAS-Q07R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
BULL CREEK	VAS-Q08R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS
LEVISA FORK	VAS-Q08R	Benthic	TENNESSEE/BIG SANDY RIVER BASINS

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CATEGORY 1 WATERS

Part 1: Waters Listed on Part 1 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
MOUNTAIN RUN	VAN-F06R	Fecal Coliform	YORK RIVER BASIN
PAMUNKEY CREEK	VAN-F07R	Fecal Coliform	YORK RIVER BASIN
TERRY'S RUN	VAN-F07R	Fecal Coliform	YORK RIVER BASIN
PLENTIFUL CREEK	VAN-F07R	Fecal Coliform	YORK RIVER BASIN
SOUTH ANNA RIVER	VAP-F04R	Fecal Coliform	YORK RIVER BASIN
MECHUMPS CREEK	VAP-F12R	Fecal Coliform, pH	YORK RIVER BASIN
PAMUNKEY RIVER	VAP-F13E	Fecal Coliform	YORK RIVER BASIN
MATADEQUIN CREEK	VAP-F13R	Fecal Coliform, pH	YORK RIVER BASIN

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CATEGORY 1 WATERS

Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

(including pollutant additions and priority changes)

Segment	Water	Pollutant
Chesapeake Bay and tributaries		
The state's water identification code is not available for these waters. However, the narrative provided is sufficient to properly identify the location of the waters being listed.	Chesapeake Bay mainstem from the Maryland - Virginia state line to a line running from the mouth of Back River northeast across the Bay to the mouth of Cherrystone Inlet on Virginia's Eastern Shore.	Nutrients
	Mattaponi River tidal portions	Nutrients
	Pamunkey River tidal portions	Nutrients
	York River from the confluence of the Mattaponi and Pamunkey Rivers to the mouth	Nutrients
	Rappahannock River from the Totunskey Creek to the mouth (including the tidal portion of the Corrotoman River	Nutrients
	Elizabeth River tidal portions including the Western, Southern, and Eastern Branches.	Nutrients
	James River - tidal (James Estuary is already listed by the state for phosphorous as threatened as on Part I as impaired by fecal coliforms. This action is to include the aquatic life concerns)	Nutrients
Waters identified by the state as impaired by natural conditions (Where DO is listed as the pollutant it is the impairment. Sufficient information is not available to identify the source of the impairment.)		
VAV-B06R	Hogue Creek	Temp
VAV-B52R	Cedar Creek	Temp
VACB-R01E	Chesapeake Bay - note this water is not only threatened by natural conditions but other sources as well. This water is included on Part I as impaired by nutrients due to point and non-point sources	DO
VAP-E23R	Cat Point Creek	pH

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CATEGORY 1 WATERS

Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

(including pollutant additions and priority changes)

Segment	Water	Pollutant
VAP-E25E	Rappahannock River - note this water is not only threatened by natural conditions but other sources as well. This water is included on Part I as impaired by nutrients due to point and non-point sources	DO, Nutrient Enrichment
VAP-E26E	Rappahannock River - note this water is not only threatened by natural conditions but other sources as well. This water is included on Part I as impaired by nutrients due to point and non-point sources	DO, Nutrient Enrichment
VAN-F21R	Reedy Creek	pH
VAP-F23E	Mattaponi River - note this water is not only threatened by natural conditions but other sources as well. This water is included on Part I as impaired by nutrients due to point and non-point sources	pH
VAT-F26E	Queen Creek	FC
VAT-F27E	King Creek	FC
VAT-F27E	York River - note this water is not only threatened by natural conditions but other sources as well. This water is included on Part I as impaired by nutrients due to point and non-point sources	DO
VAT-C10E	Messongo Creek	DO
VAT-C14R	Hungars Creek	DO
VAT-D06E	Mill Creek	DO
VAV-I31R	Bratton Run	Temp
VAV-I34R	Hayes Creek	Temp
VAP-G03R	Gunns Run	pH
VAP-G06R	Chickahominy River	DO, pH
VAT-G10R	College Run	DO
VAP-J07R	Skinquarter Creek	DO, pH

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CATEGORY 1 WATERS

Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

(including pollutant additions and priority changes)

Segment	Water	Pollutant
VAP-J11R	Deep Creek	DO
VAP-J16R	Swift Creek	pH
VAT-G12R	Eley Swamp	pH
VAP-K23R	Rowanty Creek, Gosee Swamp, Arthur Swamp, Gravelly Run	DO, pH
VAP-K23R	Nebletts Mill Run	DO, pH
VAP-K25R	Racoon Creek, Spring Creek	DO, pH
VAP-K26R	Otterdam Swamp, Three Creek	DO
VAT-K27R	Three Creek	DO, pH
VAP-K29R	Assamoosick Swamp and Tributaries	DO, pH
VAT-K30R	Nottoway River	DO
VAP-K31R	Blackwater Swamp, Warwick Swamp	DO, pH
VAP-K32R	Blackwater River, Cypress Swamp	DO, pH
VAT-K33R	Blackwater River	DO, pH
VAT-K34R	Mill Swamp	DO, pH
VAT-K34R	Rattlesnake Swamp	DO, pH
VAT-K35R	Seacock Swamp	pH
VAT-K36R	Blackwater River	DO, pH
VAT-K36R	Blackwater River	pH
VAT-K37R	Buckhorn Creek	pH
VAT-K38R	Somerton Creek	DO, pH
VAP-K12R	Fontaine Creek and Tributaries	DO
VAT-K13R	Tarrara Creek	DO

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CATEGORY 1 WATERS

Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

(including pollutant additions and priority changes)

Segment	Water	Pollutant
VAT-K39R	Feeder to Dismal Swamp	pH
VAT-K40R	Northwest River	DO, pH
VAT-K41R	West Neck Creek	DO
VAT-K42E	Nawney Creek	DO
Waters identified in the section 305(b) report as impaired (Where DO is listed as the pollutant it is the impairment. Sufficient information is not available to identify the source of the impairment.)		
N-F06R	Beaver Creek 8-BRC001.88	Fecal Coliform
S-P18R	Powell River	Biological
S-N09R	Cripple Creek	Biological
P-G09R	Diascund Creek	pH
T-K35R	Seacock Swamp	DO pH
T-D07E	Lake Wesley	DO
V-I04R	Cedar Creek	Temp
V-B18R	Buffalo Creek	Biology
N-A23R	Popes Head Creek	Biological
S-O06R	Wolf Creek	Biological
V-B10R	Middle River (station at mile 66.47)	Biological
V-B10R	Middle River (station at mile 66.05)	Biological
V-B09R	Abrams Creek	Fecal Coliform
W-L05R	Tinker Creek	Temp
P-J12R	Winter Pock Creek (station at mile 3.23)	pH
P-J12R	Winter Pock Creek (station at mile 1.5)	pH
Waters identified based on state public comment		

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CATEGORY 1 WATERS

Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

(including pollutant additions and priority changes)

Segment	Water	Pollutant
V-I34R	Hays/Moffatts Creeks	Temp
V-I31R		Temp
Priority change due to endangered species ¹		
S-P08R	Dumps Creek	Benthic
S-P03R	Middle Creek	Benthic
S-P11R	Guest River	Benthic
W-L05R	Tinker Creek	FC
W-L04R	Roanoke River	Benthic FC
W-L14R	Pigg River	FC
W-L18R	Pigg River	FC
N-E02R	Carter Run	FC

Note 1: FC stands for fecal coliform

¹ Since these waters were included in Virginia's October 14, 1998 section 303(d) report, EPA did not include these for inclusion. EPA just raised the priorities for these waters from the state identified priority.

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CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
COCKRELL CREEK	VAP-C01E	NH3-N, Cyanide	CHES BAY/ATL/SM COASTAL
COCKRELL CREEK	VAP-C01E	NH3-N, Cyanide	CHES BAY/ATL/SM COASTAL
INDIAN CREEK	VAP-C01E	NH3-N, BOD5	CHES BAY/ATL/SM COASTAL
LITTLE CREEK COVE, UT	VAT-C08E	PCB-1260	CHES BAY/ATL/SM COASTAL
LITTLE CREEK COVE, UT	VAT-C08E	Aldrin	CHES BAY/ATL/SM COASTAL
TUNNELS MILL BRANCH, UT	VAT-C09R	CBOD, TKN, DO	CHES BAY/ATL/SM COASTAL
DEEP CREEK, UT	VAT-C10R	CBOD, TKN	CHES BAY/ATL/SM COASTAL
SANDY BOTTOM BRANCH, UT	VAT-C10R	NH3-N	CHES BAY/ATL/SM COASTAL
ONANCOCK CREEK, N BR.	VAT-C11E	NH3-N	CHES BAY/ATL/SM COASTAL
CAPE CHARLES HARBOR	VAT-C16E	NH3-N	CHES BAY/ATL/SM COASTAL
LITTLE MOSQUITO CREEK, UT	VAT-D01R	CBOD, TKN	CHES BAY/ATL/SM COASTAL
PARKER CREEK	VAT-D03R	NH3-N, Cyanide	CHES BAY/ATL/SM COASTAL
PARKER CREEK, NF	VAT-D03R	NH3-N, TKN	CHES BAY/ATL/SM COASTAL
TURKEY EGG CREEK	VAP-K02R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
FONTAINE CREEK, UT	VAP-K11R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
HURRICANE BRANCH, UT	VAP-K16R	Cu, Pb, Zn	CHOWAN RIVER AND DISMAL SWAMP BASIN
HURRICANE BRANCH, UT	VAP-K16R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
GREAT CREEK	VAP-K17R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
STURGEON CREEK, UT	VAP-K18R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
GRAVELLY RUN, UT	VAP-K23R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
GRAVELLY RUN, UT	VAP-K23R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
HELL POINT CREEK	VAP-K23R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
MEHERRIN RIVER	VAT-K13R	NH3-N	CHOWAN RIVER AND DISMAL SWAMP BASIN
THREE CREEK	VAT-K27R	Zn	CHOWAN RIVER AND DISMAL SWAMP BASIN
DARDEN MILL RUN, UT	VAT-K30R	Cu, Cr-4	CHOWAN RIVER AND DISMAL SWAMP BASIN
DARDEN MILL RUN, UT	VAT-K30R	Cu	CHOWAN RIVER AND DISMAL SWAMP BASIN
ANTIOCH SWAMP, UT	VAT-K35R	CBOD< TKN	CHOWAN RIVER AND DISMAL SWAMP BASIN
BLACKWATER RIVER	VAT-K38R	NH3-N, Dioxin	CHOWAN RIVER AND DISMAL SWAMP BASIN
MIKE RUN, UT	VAP-G03R	NH3-N	JAMES RIVER BASIN
CHICKAHOMINY RIVER, UT	VAP-G05R	Cu	JAMES RIVER BASIN
BEAR GARDEN CREEK, UT	VAP-H20R	NH3-N	JAMES RIVER BASIN

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CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
TURPIN CREEK	VAP-H22R	Cu, Zn	JAMES RIVER BASIN
STEGERS CREEK, UT	VAP-H33R	NH3-N	JAMES RIVER BASIN
JAMES RIVER, UT	VAP-H38R	NH3-N	JAMES RIVER BASIN
FIGHTING CREEK, UT	VAP-J07R	NH3-N	JAMES RIVER BASIN
DEEP CREEK, UT	VAP-J11R	NH3-N	JAMES RIVER BASIN
PINEY BRANCH	VAP-J17R	NH3-N	JAMES RIVER BASIN
SWIFT CREEK, UT	VAP-J17R	NH3-N	JAMES RIVER BASIN
JAMES RIVER	VAT-G11E	NH3-N	JAMES RIVER BASIN
JAMES RIVER	VAT-G11E	Pentachloro-phenol	JAMES RIVER BASIN
CYPRESS CREEK	VAT-G11R	CBOD, TKN	JAMES RIVER BASIN
JONES CREEK	VAT-G11R	NH3-N	JAMES RIVER BASIN
WOOD CREEK-UT	VAT-G11R	Cu, Pb, Ni, Zn, Cyanide	JAMES RIVER BASIN
SADLER POND-UT	VAT-G12R	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Pentachlor-phenol	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Pentachlor-phenol	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
PARADISE CREEK	VAT-G15E	Pentachlor-phenol	JAMES RIVER BASIN
ELIZABETH RIVER, E BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	NH3-N	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ELIZABETH RIVER, S BR.	VAT-G15E	Tributyltin	JAMES RIVER BASIN
PESCARA CREEK	VAT-G15E	Tributyltin	JAMES RIVER BASIN
ENNIS POND, UT	VAT-G15R	NH3-N	JAMES RIVER BASIN
ENNIS POND, UT	VAT-G15R	NH3-N	JAMES RIVER BASIN
LINSEY CANEL TO NEW MILL CREEK	VAT-G15R	CBOD, TKN, DO	JAMES RIVER BASIN
RUCKER RUN X TRIB	VAV-H14R	NH3-N	JAMES RIVER BASIN
TOWN CREEK X TRIB	VAV-H14R	NH3-N	JAMES RIVER BASIN
NAKED CREEK X TRIB	VAV-H26R	NH3-N	JAMES RIVER BASIN
CHESLEY CREEK	VAV-H27R	NH3-N, DO, BOD5	JAMES RIVER BASIN

67

89. impairments

412-NH3-N

6 CBOD

ATTACHMENT A

CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
BISCUIT RUN	VAV-H28R	NH3-N	JAMES RIVER BASIN
JUDY CREEK X-TRIB	VAV-H31R	NH3-N, CBOD5	JAMES RIVER BASIN
WILLIAMS CREEK X-TRIB	VAV-H31R	NH3-N	JAMES RIVER BASIN
CABIN CREEK	VAV-I30R	NH3-N	JAMES RIVER BASIN
MOORES CREEK	VAV-I36R	NH3-N	JAMES RIVER BASIN
JAMES RIVER	VAW-H02R	NH3-N	JAMES RIVER BASIN
JAMES RIVER	VAW-H05R	NH3-N	JAMES RIVER BASIN
JERRY'S RUN	VAW-I07R	NH3-N, DO	JAMES RIVER BASIN
JACKSON RIVER	VAW-I09R	DO, Benthic	JAMES RIVER BASIN
JACKSON RIVER	VAW-I09R	DO, Benthic	JAMES RIVER BASIN
JACKSON RIVER	VAW-I09R	Benthic	JAMES RIVER BASIN
JAMES RIVER	VAW-I18R	Benthic	JAMES RIVER BASIN
EAGLE ROCK CREEK	VAW-I24R	NH3-N	JAMES RIVER BASIN
JAMES RIVER	VAW-I24R	Benthic	JAMES RIVER BASIN
JAMES RIVER	VAW-I24R	Benthic	JAMES RIVER BASIN
CATAWBA CREEK	VAW-I25R	NH3-N	JAMES RIVER BASIN
CROOKED RUN	VAW-I25R	NH3-N, DO	JAMES RIVER BASIN
REED CREEK, SOUTH FORK - UT	VAS-N10R	NH3-N	NEW RIVER BASIN
BEAVERDAM CREEK	VAS-N15R	NH3-N	NEW RIVER BASIN
LITTLE REED ISLAND, EAST FORK	VAS-N15R	NH3-N	NEW RIVER BASIN
LAUREL FORK CREEK	VAS-N37R	NH3-N	NEW RIVER BASIN
CRAB CREEK	VAW-N18R	Benthic	NEW RIVER BASIN
CLEAR FORK - UT	VAW-N32R	NH3-N	NEW RIVER BASIN
SOUTH FORK CATOCTIN CREEK-UT	VAN-A02R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CLARK'S RUN	VAN-A03R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CLARK'S RUN	VAN-A03R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
LIMESTONE BRANCH-UT	VAN-A03R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
LIMESTONE BRANCH-UT	VAN-A03R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
WANCOPIN CREEK	VAN-A05R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH FORK GOOSE CREEK	VAN-A06R	TKN	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH FORK GOOSE CREEK-UT	VAN-A06R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
BEAVERDAM CREEK-UT	VAN-A07R	NH3-N, pH	POTOMAC AND SHENANDOAH RIVER BASIN

99 segments

127 impair

66 NH3-N

7 CBOD

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CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
SYCOLIN CREEK	VAN-A08R	TKN	POTOMAC AND SHENANDOAH RIVER BASIN
BEAVERDAM RUN-UT	VAN-A09R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
FOUR MILE RUN	VAN-A12E	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
HUNTING CREEK	VAN-A13E	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
DANIELS RUN-UT	VAN-A15R	Benzene, Toluene	POTOMAC AND SHENANDOAH RIVER BASIN
POHICK CREEK	VAN-A16R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CEDAR RUN-UT	VAN-A18R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
SLATE RUN	VAN-A18R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
BROAD RUN	VAN-A19R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
BROAD RUN-UT	VAN-A19R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
BROAD RUN-UT	VAN-A19R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
MARUMSCO CREEK-UT	VAN-A24R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
NEABSCO CREEK	VAN-A25E	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
MASSEY CREEK	VAN-A25R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
MILLS BRANCH	VAN-A25R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
NEABSCO CREEK	VAN-A25R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
NEABSCO CREEK	VAN-A25R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH BRANCH MASSEY CREEK	VAN-A25R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
POTOMAC RIVER (BIGHT)	VAN-A26R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH FORK QUANTICO CREEK-UT	VAN-A26R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
AUSTIN RUN-UT	VAN-A28R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC CREEK	VAN-A30R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
REEDS SWAMP	VAP-A32R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
SCATES BRANCH	VAP-A32R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
LODGE CREEK, UT	VAP-A33E	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
WEST STRAIT CREEK	VAV-B02R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
BACK CREEK X TRIB	VAV-B05R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
LICK RUN	VAV-B09R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
LITTLERS RUN (HOT RUN)	VAV-B09R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CHRISTIANS CREEK	VAV-B14R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CHRISTIANS CREEK X TRIB	VAV-B14R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CHRISTIANS CREEK X TRIB	VAV-B14R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CHRISTIANS CREEK X TRIB	VAV-B14R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
MUDDY CREEK	VAV-B22R	WET	POTOMAC AND SHENANDOAH RIVER BASIN
SOUTH RIVER - X TRIB	VAV-B30R	BOD5, TKN	POTOMAC AND SHENANDOAH RIVER BASIN
PORTERFIELD RUN X TRIB	VAV-B32R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN

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165-impair

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ATTACHMENT A

CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
FOLTZ CREEK X TRIB	VAV-B37R	NH3-N,BOD, DO	POTOMAC AND SHENANDOAH RIVER BASIN
S.F. SHENANDOAH RIVER	VAV-B37R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
DRY RUN	VAV-B41R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
N.F. SHENANDOAH R X TRIB	VAV-B44R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
N.F. SHENANDOAH RIVER	VAV-B45R	NH3-N, Cl, Cn	POTOMAC AND SHENANDOAH RIVER BASIN
N.F. SHENANDOAH RIVER	VAV-B45R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
DRY FORK - UT	VAV-B47R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
SMITH CREEK-UT	VAV-B47R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
STONY CREEK X TRIB	VAV-B49R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CEDAR CREEK	VAV-B53R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
MEADOW BROOK	VAV-B53R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CROOKED RUN X TRIB	VAV-B56R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CROOKED RUN X TRIB1	VAV-B56R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
CROOKED RUN X TRIB1	VAV-B56R	BOD, DO	POTOMAC AND SHENANDOAH RIVER BASIN
CROOKED RUN X TRIB2	VAV-B56R	BOD, DO	POTOMAC AND SHENANDOAH RIVER BASIN
SHENANDOAH RIVER	VAV-B58R	NH3-N	POTOMAC AND SHENANDOAH RIVER BASIN
HICKMAN RUN - UT	VAN-E01R	NH3-N	RAPPAHANNOCK RIVER BASIN
WEST BR. THUMB RUN - UT	VAN-E01R	TKN	RAPPAHANNOCK RIVER BASIN
CARTER RUN - UT	VAN-E02R	DO	RAPPAHANNOCK RIVER BASIN
GREAT RUN - UT	VAN-E02R	NH3-N, DDT, Endrin	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK R. - UT	VAN-E02R	NH3-N	RAPPAHANNOCK RIVER BASIN
COVINGTON R. - UT	VAN-E05R	NH3-N	RAPPAHANNOCK RIVER BASIN
THORNTON R.	VAN-E05R	NH3-N	RAPPAHANNOCK RIVER BASIN
HARPERS RUN - UT	VAN-E08E	NH3-N	RAPPAHANNOCK RIVER BASIN
HUBBARD RUN	VAN-E08R	NH3-N	RAPPAHANNOCK RIVER BASIN
TIN POT RUN - UT	VAN-E08R	TKN	RAPPAHANNOCK RIVER BASIN
TIN POT RUN - UT	VAN-E08R	NH3-N	RAPPAHANNOCK RIVER BASIN
JONAS RUN - UT	VAN-E09R	NH3-N	RAPPAHANNOCK RIVER BASIN
RAPIDAN R.	VAN-E13R	NH3-N	RAPPAHANNOCK RIVER BASIN
RAPIDAN R. - UT	VAN-E13R	NH3-N	RAPPAHANNOCK RIVER BASIN
GREAT RUN - UT	VAN-E15R	NH3-N	RAPPAHANNOCK RIVER BASIN
LITTLE DARK RUN	VAN-E15R	NH3-N	RAPPAHANNOCK RIVER BASIN
MEADOWBROOK RUN - UT	VAN-E16R	NH3-N	RAPPAHANNOCK RIVER BASIN
MOUNTAIN RUN - UT	VAN-E17R	Cu	RAPPAHANNOCK RIVER BASIN

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CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
HORSEPEN RUN	VAN-E19R	NH3-N	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAN-E20E	TRC	RAPPAHANNOCK RIVER BASIN
MASSAPONAX CR. - UT	VAN-E20R	NH3-N	RAPPAHANNOCK RIVER BASIN
MASSAPONAX CR. - UT	VAN-E20R	TKN	RAPPAHANNOCK RIVER BASIN
SKINKERS CR.	VAN-E21E	NH3-N	RAPPAHANNOCK RIVER BASIN
MILL CR. - UT	VAN-E21R	NH3-N	RAPPAHANNOCK RIVER BASIN
PORTERS MEADOW, CHANDLERS POND	VAP-E23R	NH3-N	RAPPAHANNOCK RIVER BASIN
TOTUSKEY CREEK, UT	VAP-E24E	NH3-N	RAPPAHANNOCK RIVER BASIN
MIKE'S CREEK, UT	VAP-L64R	NH3-N	ROANOKE RIVER BASIN
STOKES CREEK, UT	VAP-L64R	NH3-N	ROANOKE RIVER BASIN
BRADLEY CREEK, UT	VAP-L67R	NH3-N	ROANOKE RIVER BASIN
BANISTER RIVER, UT	VAP-L71R	NH3-N	ROANOKE RIVER BASIN
BANISTER RIVER	VAP-L75R	WET	ROANOKE RIVER BASIN
BLUE CREEK, UT	VAP-L75R	NH3-N	ROANOKE RIVER BASIN
LICK BRANCH, UT	VAP-L75R	NH3-N	ROANOKE RIVER BASIN
ROANOKE RIVER (KERR RESERVOIR)	VAP-L75R	Di-2-Ethylhexyl Phthalate	ROANOKE RIVER BASIN
ROANOKE RIVER (KERR RESERVOIR)	VAP-L75R	Chloroform	ROANOKE RIVER BASIN
LITTLE BUFFALO CREEK, UT	VAP-L76R	NH3-N	ROANOKE RIVER BASIN
LITTLE BLUESTONE CREEK, UT	VAP-L77R	NH3-N	ROANOKE RIVER BASIN
DOCKERY CREEK	VAP-L79R	NH3-N	ROANOKE RIVER BASIN
FALLING CREEK-UT	VAW-L04R	NH3-N	ROANOKE RIVER BASIN
ROANOKE RIVER	VAW-L04R	NH3-N	ROANOKE RIVER BASIN
LITTLE OTTER RIVER	VAW-L26R	WET, NH3-N	ROANOKE RIVER BASIN
CORPORATION BRANCH	VAW-L30R	Ag, Cr-6, Cu, Zn, WET	ROANOKE RIVER BASIN
MOLLYS CREEK	VAW-L35R	NH3-N	ROANOKE RIVER BASIN
SMITH RIVER	VAW-L53R	Cyanide	ROANOKE RIVER BASIN
SMITH RIVER	VAW-L54R	Benthic	ROANOKE RIVER BASIN
SOUTH FORK HOLSTON RIVER - UT	VAS-O02R	NH3-N	TENNESSEE AND BIG SANDY RIVER BASINS
RAMEY BRANCH	VAS-O05R	NH3-N	TENNESSEE AND BIG SANDY RIVER BASINS
FIFTEENMILE CREEK, UT	VAS-O06R	NH3-N	TENNESSEE AND BIG SANDY RIVER BASINS

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ATTACHMENT A

CATEGORY 2 WATERS

Part 1: Waters Listed on Part 2 of Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
HILTON CREEK	VAS-O13R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
CASEY BRANCH	VAS-P04R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
CORDER BRANCH, RAMEY BRANCH	VAS-P09R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
STRAIGHT CREEK	VAS-P20R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
STATION CREEK	VAS-P21R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
KNOX CREEK	VAS-Q03R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
CONAWAY CREEK	VAS-Q08R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
RUSSELL FORK RIVER	VAS-Q10R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
RUSSELL PRATER CREEK	VAS-Q12R	NH3-N	TENNESSEE/BIG SANDY RIVER BASINS
BIRDS BRANCH	VAW-M03R	DO, NH3-N	YADKIN RIVER BASIN
NI RIVER	VAN-F15R	NH3-N	YORK RIVER BASIN
NI RIVER	VAN-F15R	NH3-N	YORK RIVER BASIN
PO RIVER	VAN-F16R	NH3-N	YORK RIVER BASIN
PO RIVER - UT	VAN-F16R	NH3-N	YORK RIVER BASIN
PO RIVER - UT	VAN-F16R	NH3-N	YORK RIVER BASIN
MARACOSSIC CR. - UT	VAN-F17R	NH3-N	YORK RIVER BASIN
MAT RIVER - UT	VAN-F18R	NH3-N	YORK RIVER BASIN
MOTTO RIVER - UT	VAN-F19R	NH3-N	YORK RIVER BASIN
SOUTH RIVER	VAN-F19R	NH3-N	YORK RIVER BASIN
SOUTH RIVER - UT	VAN-F19R	NH3-N	YORK RIVER BASIN
POLECAT CREEK	VAN-F20R	NH3-N, TKN, TN	YORK RIVER BASIN
HERRING CR. - UT	VAN-F21R	NH3-N	YORK RIVER BASIN
MARACOSSIC CR. - UT	VAN-F22R	NH3-N	YORK RIVER BASIN
STAGG CREEK, UT	VAP-F04R	NH3-N	YORK RIVER BASIN
SOUTH ANNA RIVER - UT	VAV-F01R	Cu	YORK RIVER BASIN
BEAVER CREEK	VAV-F02R	NH3-N	YORK RIVER BASIN
POLECAT CREEK	VAV-F02R	BOD5, TKN	YORK RIVER BASIN
GOLDMINE CREEK X TRIB	VAV-F06R	NH3-N	YORK RIVER BASIN

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ATTACHMENT A

CATEGORY 2 WATERS Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

Segment	Water	Pollutant
Waters previously excluded by the State (appearing on the State's Appendix D) (Where DO is listed as the pollutant it is the impairment. Sufficient information is not available to identify the source of the impairment.)		
VAN-B03R	SF So. Br. Potomac R.	NH ₃ -N
VAP-L77R	Little Buffalo Cr., UT	NH ₃ -N
VAN-A01R	Dutchman Creek, UT	DO
VAN-A01R	Dutchman Creek, UT	NH ₃ -N
VAN-A05R	Goose Creek, UT	NH ₃ -N
VAN-A11R	Difficult Run, UT	NH ₃ -N
VAN-A17R	Cedar Run	NH ₃ -N
VAN-A22R	Sand Branch, UT	NH ₃ -N
VAN-A30E	Williams Creek	NH ₃ -N
VAN-A30R	Pepper Mill Creek, UT	NH ₃ -N
VAN-E04R	Hazel River, UT	NH ₃ -N
VAN-E09R	Jones Run, UT	Cr VI
VAN-E15R	Little Dark Run	NH ₃ -N
VAN-E15R	Dark Run	NH ₃ -N
VAN-E15R	Little Dark Run, UT	NH ₃ -N
VAN-E17R	Cormack Run, UT	TKN
VAN-E17R	Cormack Run, UT	NH ₃ -N
VAP-F07R	Riga Run, UT	NH ₃ -N
VAP-F07R	Riga Run, UT	NH ₃ -N
VAT-G15E	So.Br. of Elizabeth River - note this water is threatened by natural conditions and other sources as well, including point sources. This water is included on Part I as impaired by nutrients due to point and non-point sources	NH ₃ -N

ATTACHMENT A

CATEGORY 2 WATERS

Part 2: WATERS IDENTIFIED by EPA FOR INCLUSION

Segment	Water	Pollutant
VAT-G15E	Elizabeth River - So. Br. - note this water is threatened by natural conditions and other sources as well, including point sources. This water is included on Part I as impaired by nutrients due to point and non-point sources	NH ₃ -N
VAT-G15E	Salters Creek	Cr VI
VAT-K35R	Burnt Mill Swamp, UT	NH ₃ -N, CBOD, TKN, DO
VAT-C07R	Deep Creek, UT	CBOD, TKN

Note 1: FC stands for fecal coliform

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ATTACHMENT A

CATEGORY 3 WATERS

Waters Listed as Impaired for Shellfish on Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
ANTIPOISON CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BALL CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BALLS CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BARRETT CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHES BAY: LITTLE TASKMASTERS CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHES BAY: OWENS POND	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CLOVERDALE CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
COCKRELL CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DIVIDING CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DYMER CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DYMER CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
GREAT WICOMICO RIVER	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
INDIAN CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MILL CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MOSQUITO CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
OYSTER CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PITMANS COVE	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PRENTICE CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PRENTICE CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
RAPPAHANNOCK RIVER	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TABBS CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TIPERS CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
UNNAMED COVE	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WAREHOUSE CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WHAYS CREEK	VAP-C01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BILLUPS CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BROAD CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
HARPER CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
JACKSON CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
JACKSON CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
JACKSON CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MORRIS CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PIANKATANK RIVER	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PIANKATANK RIVER	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PIANKATANK RIVER	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL

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<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
STUTTS CREEK	VAP-C03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BACK CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BLACKWATER CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DOCTORS CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
EAST RIVER	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
ELINGTON CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
GREENMANSION CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
HORN HARBOR	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MILFORD HAVEN	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MILFORD HAVEN:EDWARDS CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MILFORD HAVEN: EDWARDS CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MILFORD HAVEN: EDWARDS CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NORTH RIVER	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PUT IN CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
QUEENS CREEK	VAP-C04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
FOX MILL RUN	VAP-C05E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WARE RIVER	VAP-C05E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WARE RIVER	VAP-C05E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BROWNS BAY	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MONDAY CREEK	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NORTHWEST BRANCH	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
SEVERN RIVER, S.W. BRANCH, HEYWOOD CREEK	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
SEVERN RIVER: FREE SCHOOL CREEK	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
SEVERN RIVER: S.W. BR. THORNTONS CREEK	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
VAUGHANS CREEK	VAP-C06E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BACK CREEK-YORK COUNTY	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BACK RIVER- MARINA COVE BOAT BASIN, ETC.	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BACK RIVER: FRONT COVE	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BACK RIVER: LONG AND CRUNLAND CREEKS	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BENNETT CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BENNETT CREEK - POQUOSON MARINA	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CEDAR CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHESAPEAKE BAY-SOUTHALL LANDING	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHISMAN CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL

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<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
CHISMAN CREEK-WILDEY MARINA	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
EASTON COVE	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
FRONT COVE-BOATING ACTIVITY	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
HARRIS RIVER	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
INLET	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
LAMBS CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
LYONS CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NORTHWEST BRANCH	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PATRICKS CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
POQUOSON RIVER	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
ROBERTS CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
SOUTHWEST BRANCH	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TABBS CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TOPPING CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WALLACE CREEK	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WHITE HOUSE COVE	VAT-C07E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHESAPEAKE BAY-ADJOINING LITTLE CREEK	VAT-C08E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DEY COVE/MILL DAM CREEK	VAT-C08E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
LINKHORN BAY	VAT-C08E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
LONG CREEK	VAT-C08E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
LYNNHAVEN RIVER AND BAY	VAT-C08E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BAGWELL CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DEEP CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DOE CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
GUILFORD CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
HUNTING CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MESSONGO CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
STARLING CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TANGIER ISLAND	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
YOUNG CREEK	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
POCOMOKE SOUND AND POCOMOKE RIVER	VAT-C10E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CEDAR CREEK	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHESCONESSEX CREEK	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
FINNEYS CREEK	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MATCHOTANK CREEK	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
ONANCOCK CREEK	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL

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<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
PARKERS CREEK	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PARKERS CREEK- RUSSELLS MARINA	VAT-C11E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PUNGOTEAGUE CREEK	VAT-C12E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PUNGOTEAGUE CREEK-PUBLIC DOCK AT HARBORTON	VAT-C12E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TAYLOR CREEK	VAT-C12E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
UNDERHILL CREEK	VAT-C12E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BUTCHER CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHURCH CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CRADDOCK CREEK -PART A	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CRADDOCK CREEK- PART B	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
HOLLY GROVE COVE	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MCLEAN GUT	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NANDUA CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NANDUA CREEK: BACK CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NASSAWADOX CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
NASSAWADOX CREEK-BAYFORD OYSTER CO.	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
OCCOHANNOCK CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
OCCOHANNOCK CREEK - R.P.MELSON	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WAREHOUSE CREEK	VAT-C13E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BARLOW CREEK	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
HUNGAR CREEK	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
JACOBUS CREEK	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MATTOWOMAN CREEK	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
THE GULF	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WESTERHOUSE CREEK - PART A	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WESTERHOUSE CREEK - PART B	VAT-C14E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHERRYSTONE INLET: KINGS CREEK	VAT-C15E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
KINGS CREEK - KINGS CREEK MARINA	VAT-C15E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHESAPEAKE BAY, OPPOSITE CAPE CHARLES	VAT-C16E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
OLD PLANTATION CREEK	VAT-C16E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
POCOMOKE SOUND AND POKOMOKE RIVER	VAT-CO9E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
ANDREWS LANDING GUT	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
ASSATEAGUE CHANNEL/SHEEPSHEAD CREEK	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
BLACK POINT DRAIN	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
CHINCOTEAGUE CHANNEL/FOWLING GUT	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL

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<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
COCKLE CREEK	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
DRAINAGE DITCH	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
GREENBACKVILLE HARBOR	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
LITTLE MOSQUITO CREEK	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
SWANS GUT CREEK	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
THE CANAL-CURTIS MERRIT HARBOR OF REFUGE	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
TOMS COVE BOAT BASIN	VAT-D01E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
ASSAWOMAN CREEK AND WOMANS BAY	VAT-D02E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
WACHAPREAGUE CHANNEL/FINNEY CREEK-WACHAPREAGUE WAT	VAT-D03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
FOLLY CREEK	VAT-D03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PARKER CREEK	VAT-D03E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
MACHIPONGO RIVER - VIRGINIA LANDING CORP.	VAT-D04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
PARTING CREEK- WILLIS WHARF WATERFRONT	VAT-D04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
RED BANK CREEK	VAT-D04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
UPSHUR BAY-QUINBY PUBLIC HARBOR	VAT-D04E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
OYSTER HARBOR	VAT-D05E	VDH Shellfish Restriction	CHES BAY/ATL/SM COASTAL
UPPER JAMES	VAT-G10E	VDH Shellfish Restriction	JAMES RIVER BASIN
HAMPTON ROADS - ELIZABETH RIVER AND TIDAL TRIBS	VAT-G10E	VDH Shellfish Restriction	JAMES RIVER BASIN
CHUCKARUCK CREEK	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
JAMES RIVER - OPPOSITE FORT EUSTIS	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
JAMES RIVER OPPOSITE TRIBELL SHOAL CHANNEL	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
JAMES RIVER: SWASH HOLE	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
KINGS AND BALLARD MARSH CREEKS	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
PAGAN RIVER AND JONES CREEK	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
UPPER JAMES RIVER: LAWNES CREEK	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
WARWICK AND JAMES RIVERS	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
UPPER JAMES RIVER	VAT-G11E	VDH Shellfish Restriction	JAMES RIVER BASIN
NANSEMOND RIVER	VAT-G13E	VDH Shellfish Restriction	JAMES RIVER BASIN

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<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
NANSEMOND RIVER: BENNETT CREEK	VAT-G13E	VDH Shellfish Restriction	JAMES RIVER BASIN
NANSEMOND RIVER: BLEAKHORN CREEK	VAT-G13E	VDH Shellfish Restriction	JAMES RIVER BASIN
NANSEMOND RIVER: KNOTTS CREEK	VAT-G13E	VDH Shellfish Restriction	JAMES RIVER BASIN
HAMPTON ROADS	VAT-G15E	VDH Shellfish Restriction	JAMES RIVER BASIN
HAMPTON ROADS - ELIZABETH RIVER AND TIDAL TRIBUTA	VAT-G15E	VDH Shellfish Restriction	JAMES RIVER BASIN
HAMPTON ROADS - LAFAYETTE RIVER AND TIDAL TRIBS	VAT-G15E	VDH Shellfish Restriction	JAMES RIVER BASIN
DEEP CREEK	VAN-A30E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC CREEK	VAN-A30E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC/GAMBO CREEK	VAN-A30E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC/WILLIAMS CREEKS	VAN-A30E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
MATTOX CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
MONROE BAY	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
MONROE BAY	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
MONROE CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
POTOMAC RIVER: POPES CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
ROSIER CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER MACHODOC CREEK	VAP-A31E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
BARNES CREEK	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
BRANSON COVE	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
BUCKNER CREEK	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
CURRIOMAN BAY	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
CURRIOMAN BAY	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
LOWER MACHODOC CREEK	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
NOMINI CREEK	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
NORTH PRONG	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
PIERCE CREEK	VAP-A32E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
BONUM CREEK	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
DUNGAN COVE	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
LODGE CREEK	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN

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<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
LONG COVE	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
MILL CREEK	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
POTOMAC RIVER: GARDER CREEK	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
POTOMAC RIVER: JOHNSON CREEK	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
SHANNON BRANCH	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
W. YEOCOMICO RIVER	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
WHITE POINT CREEK	VAP-A33E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
COAN RIVER	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
BRIDGEMAN CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
COD CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
COAN RIVER	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
COD CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
COAN RIVER	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
HULL CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
KILLNECK CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
KINGSCOTE CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
LITTLE WICOMICO RIVER: BRIDGE CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
LITTLE WICOMICO RIVER: BRIDGE CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
LITTLE WICOMICO RIVER: BRIDGE CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
LONG COVE	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
POTOMAC RIVER: CUBITT CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
POTOMAC RIVER: PRESLEY CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
ROGERS CREEK	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
STEVENS POINT	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
THE GLEBE	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
WRIGHTS COVE	VAP-A34E	VDH Shellfish Restriction	POTOMAC AND SHENANDOAH RIVER BASIN
UPPER RAPPAHANNOCK RIVER	VAP-E23E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
UPPER RAPPAHANNOCK RIVER	VAP-E23E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAP-E24E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
TOTUSKEY & RICHARDSON CREEK	VAP-E24E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
TOTUSKEY & RICHARDSON CREEK	VAP-E24E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
FARNHAM CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
LAGRANGE CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
LANCASTER CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN

ATTACHMENT A

CATEGORY 3 WATERS

Waters Listed as Impaired for Shellfish on Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
MEACHIM CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
MEACHIM CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
MULBERRY CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER: BEACH CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER: PARROTS CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER: PARROTS CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER: WEEKS CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
ROBINSON CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
URBANNA CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
WHITING CREEK	VAP-E25E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
BELLS CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
CARTER CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
CARTER CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
CARTER CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
CARTER CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
CORROTMAN RIVER:MYER CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
CORROTOMAN RIVER: TAYLOR CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
EASTERN BRANCH	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
EASTERN BRANCH	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
EWELLS PRONG	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
HILLS CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
MILLENBECK PRONG	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
RAPPAHANNOCK RIVER: LOCKLIES CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
SENIOR CREEK	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
WESTERN BRANCH	VAP-E26E	VDH Shellfish Restriction	RAPPAHANNOCK RIVER BASIN
UPPER YORK RIVER	VAP-F14E	VDH Shellfish Restriction	YORK RIVER BASIN
UPPER YORK RIVER	VAP-F25E	VDH Shellfish Restriction	YORK RIVER BASIN
UPPER YORK RIVER	VAP-F25E	VDH Shellfish Restriction	YORK RIVER BASIN
UPPER YORK RIVER	VAP-F26E	VDH Shellfish Restriction	YORK RIVER BASIN

ATTACHMENT A

CATEGORY 3 WATERS

Waters Listed as Impaired for Shellfish on Virginia's October 14, 1998 303(d) Report

<u>WATERBODY NAME</u>	<u>WATER ID</u>	<u>POLLUTANT</u>	<u>BASIN</u>
ADAMS CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
JONES CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
POROPOTANK RIVER	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
SANDY CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: ABERDEEN CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: CARTER CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: PURTAN CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: QUEEN CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: SKIMINO CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: TASKINAS CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: WARE CREEK	VAT-F26E	VDH Shellfish Restriction	YORK RIVER BASIN
FELGATES CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
KING CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
PERRIN RIVER	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
SARAH CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
TIMBERNECK CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER YACHT HAVEN	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER AND WORMLEY CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER AT CHEATHAM ANNEX	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER AT NAVAL WEAPONS STATION	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: CEDARBUSH CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN
YORK RIVER: NORTH SHORE, CARTER CREEK	VAT-F27E	VDH Shellfish Restriction	YORK RIVER BASIN

ATTACHMENT B

Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Potomac	Cub Run	N-A22R	1aCUB003.74	FC	20
Potomac	Bull Run	N-A23R	1aBUL010.28	FC	21
Potomac	Neabsco Creek	N-A25	1aNEA000.57	pH	22
Potomac	Occoquan River	N-A25E	1aOCC002.47	pH	23
Potomac	Neabsco Creek	N-A25R	1aNEA002.89	FC	24
Potomac	Aquia Creek	N-A27R	1aAUA014.51	pH	25
Potomac		N-A29L	1aLOM007.93	pH	26
Potomac	Williams Creek	N-A30E	1aWLL001.30	DO TP	27
Potomac	Williams Creek	N-A30R	1aWLL002.21	FC	28
Rappahanock	Rappahannock	N-E01R	3-RPP175.51	FC	29
Rappahanock	Hazel River	N-E04R	3-HAZ018.29	FC	30
Rappahanock	Thorton River	N-E06R	3-THO006.50	FC	31
Rappahanock	Rappahannock	N-E08R	3-RPP147.10	FC	32
Rappahanock	Rapidan River	N-E12R	3-RAP066.54	FC	33
Rappahanock	Blue River	N-E13R	3-BLU002.60	FC	34
Rappahanock	Robinson River	N-E14R	3-ROB024.06	FC	35
Rappahanock	Robinson River	N-E15	3-ROB001.90	FC	36
Rappahanock	Cedar Run	N-E16R	3-CED000.59	FC	37
Rappahanock	Mine Run	N-E17R	3-MIR004.05	FC	38
Rappahanock	Mountain Run	N-E17R	3-MTR003.51	FC	39

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Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Rappahanock	Rapidan River	N-E18R	3-RAP006.53	FC	40
Rappahanock		N-E19R	3-ENG001.10	FC	41
Rappahanock	Rappahannock	N-E20R	2-RPP104.47	FC	42
Rappahanock	Rappahannock	N-E20R	3-RPP107.91	FC	43
Rappahanock	Rappahannock	N-E21R	3-RPP091.55	FC	44
Rappahanock	Rappahannock	N-E21R	3-RPP098.81	FC	45
York		N-F21R	8-HER005.12	pH	46
York	Mattaponi River	N-F21R	8-MPN054.17	pH	47
York	Reedy Creek	N-F21R	8-RDY003.43	pH	48
Potomac	Pinehill Creek	P-A31E	1aPIN000.57	pH	49
Rappahanock	Occoquan River	P-E22R	2-OCC010.47	pH	50
York	Pamunkey River	P-F12R	8-PMK082.34	FC	51
York	Pamunkey River	P-F13E	8-PMK048.80	FC	52
York		P-F24R	8-HTQ003.77	DO	53
James	James River	P-G02E	2-JMS094.96	TEMP	54
James	Chickahominy R	P-G05R	2-CHK076.59	FC	55
James	Chickahominy R	P-G08E	2-CHK023.64	pH	56
James	James River	P-H20R	2-JMS176.63	FC	57
James	Slate River	P-H22R	2-SLT003.88	FC	58
James	Deep Creek	P-H33R	2-DCR003.00	FC	59
James	James River	P-H33R	2-JMS157.28	FC	60
James	Byrd Creek	P-H34R	2-BYR003.35	FC	61

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Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
James	Willis River	P-H35R	2-WLL044.78	FC	62
James	Fine Creek	P-H38R	2-FIN000.81	FC	63
James	Buffalo Creek	P-J02R	2-BFL002.00	FC	64
James	Sandy River	P-J03R	2-SDY003.00	FC	65
James		P-J04R	2-BSR002.82	FC	66
James	Briery Creek	P-J05R	2-BRI001.00	FC	67
James	Nibbs Creek	P-J09R	2-NBB003.65	FC	68
James	Swift Creek	P-J16R	2-SFT035.26	DO	69
Chowan	Middle Meherrin	P-K01R	5AMMR000.69	FC	70
Chowan	North Meherrin	P-K02R	5ANMR014.95	FC	71
Chowan	Great Creek	P-K06R	5AGTC005.40	FC	72
Chowan	Nottoway River	P-K14R	4ANTW155.06	FC	73
Chowan	Big Hounds Creek	P-K14R	5ABHC003.73	FC	74
Chowan	Little Nottoway River	P-K15R	5ALNT004.68	FC	75
Chowan		P-K16R	4ABPC000.12	FC	76
Chowan	Sturgeon Creek	P-K18R	5ASTG005.96	DO	77
Chowan		P-K20R	5ABTR002.80	DO	78
Chowan		P-K22R	5ASAP013.69	DO	79
Chowan	Raccoon Creek	P-K25R	5ARCN003.36	FC	80
Chowan	Assawoman Creek	P-K29R	5AASM013.36	FC	81
Chowan	Blackwater River	P-K32R	5ABLW058.22	FC	82
Chowan	Blackwater River	P-K32R	5ABLW074.44	FC	83

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Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Roanoke	Roanoke River	P-L38R	4AROA67.91	FC	84
Roanoke	Birch Creek	P-L63R	4ABIR001.00	FC	85
Roanoke	Sandy Creek	P-L70R	4ASNA000.20	FC	86
Roanoke		P-L80R	4AGRT003.82	FC	87
New River		S-N04R	K990000	FC	88
New River	Elk Creek	S-N05R	9-EKC003.78	TEMP FC	89
New River	New River	S-N08R	9-NEW107.51	FC	90
New River	New River	S-N08R	9-NEW127.49	FC	91
Tennessee	Middle Fork Holston	S-O04R	6CMFH033.40	FC	92
Tennessee	Beaver Creek	S-O07R	6CBEV015.27	Pb	93
Tennessee	North Fork Holston	S-O11R	6CNFH080.43	FC	94
Tennessee	Clinch River	S-P02R	6BCLN346.80	BIO	95
Tennessee	Clinch River	S-P07R	6BCLN271.50	FC	96
Tennessee	North Fork Powell	S-P20R	6BPWL001.49	TEMP	97
Tennessee	Levisa Fork	S-Q08	6ALEV130.29	BIO	98
Tennessee	Levisa Fork	S-Q08R	6ALEV131.52	FC	99
Chesapeake		T-C07E	7-CHS000.84	FC	100
Chesapeake	Newmarket Creek	T-C07E	7-NEW001.92	DO	101
Chesapeake	E. Br. Lynnhaven River	T-C08E	7-EBL002.54	FC	102

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Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Chesapeake	Thalia Creek	T-C08E	7-THA000.76	DO	103
Chesapeake	Untrib Pitts Creek	T-C09R	7-XAE001.42	DO TP	104
Chesapeake	Hunting Creek	T-C10E	7-HUN001.88	FC	105
Chesapeake	Mesango Creek	T-C10E	7-MES006.92	FC	106
Chesapeake	Holdens Creek	T-C10R	7-HLD002.67	DO	107
Chesapeake		T-C11E	7-ONB000.20	DO	108
Chesapeake		T-C11E	7-OSB000.13	FC	109
Chesapeake		T-C14R	7-HUG004.40	FC	110
Chesapeake	Assawoman Creek	T-D02E	7-ASW003.36	FC	111
Chesapeake		T-D05	7-HLT002.08	FC	112
York	Queen Creek	T-F26E	8-QEN002.47	DO	113
York	King Creek	T-F27E	8-KNG004.46	DO	114
James	Mill Creek	T-G10E	2-MIC000.03	FC	115
James	Deep Creek	T-G11E	2-DEP000.26	FC	116
James	Pagen River	T-G11E	2-PGN006.65	DO	117
James	Warwick River	T-G11E	2-WWK003.98	FC	118
James	Broad Creek	T-G15E	2-BRO001.35	DO	119
James	Eastern Branch Elizabeth River	T-G15E	2-EBE000.40	FC	120
James	Southern Branch Elizabeth River	T-G15E	2-SBE001.53	FC	121
Chowan	Tarrara Creek	T-K13R	5ATTR002.50	pH	122

ATTACHMENT B

Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Chowan	unknown	T-K28R	0204700	pH	123
Chowan	Assamoosick Creek	T-K29R	5AASM008.12	pH	124
Chowan	Mill Creek, SW	T-K34R	5AMSW006.77	FC	125
Chowan	Rattlesnack Creek	T-K34R	5ARKN006.40	FC	126
Chowan	Dismall Swamp	T-K39R	5BXCK000.00	DO	127
Chowan	Indian Creek	T-K40R	5BIND001.15	TP	128
Chowan	Milldam Creek	T-K41R	5BMLD001.92	DO FC TP	129
Chowan	North Landing River	T-K41R	5BNLR013.61	DO	130
Chowan	West Neck Creek	T-K41R	5BWNC003.65	TP	131
Chowan	Hell Point Creek	T-K42E	5BHPC001.46	pH	132
Potomac	Opequon Creek	V-B08R	OPE34.53	BIO	133
Potomac	Lick Run	V-B09R	1ALIR000.95	FC	134
Potomac	Opequon creek	V-B09R	1AOPE025.10	FC	135
Potomac	Middle River	V-B12R	1BMDL036.08	FC	136
Potomac	Middle River	V-B12R	1BMDL036.10	BIO	137
Potomac	North River	V-B16R	NTH46.75	BIO	138
Potomac	Mossy Creek	V-B19R	1BMOS003.01	BIO	139
Potomac	Dry Run	V-B21R	1BDUR007.66	TEMP	140
Potomac	Dry Run	V-B21R	DUR0.06	BIO	141
Potomac	North River	V-B32R	1BNTH014.08	FC	142

ATTACHMENT B

Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Potomac	Long Glade Creek	V-B24R	1BLGC000.96	FC	143
Potomac	South River	V-B32R	1BSTH027.85	FC	144
Potomac	S.F. Shenandoah	V-B33R	1BSSF100.10	FC	145
Potomac	S.F. Shenandoah	V-B37R	1BSSF078.20	FC	146
Potomac	S.F. Shenandoah	V-B37R	SSF78.2	BIO	147
Potomac	S.F. Shenandoah	V-B38R	1BSSF054.20	FC	148
Potomac	Hawksbill Creek	V-B39R	1BHKS009.58	TEMP	149
Potomac	Hawksbill Creek	V-B39R	HKSO.96	BIO	150
Potomac	N.F. Shenandoah	V-B44R	NFS94.51	BIO	151
Potomac	Linville Creek	V-B46R	1BLNV000.21	BIO	152
Potomac	unknown	V-B47R	1BMST005.71	BIO	153
Potomac	N.F. Shenandoah	V-B48R	1BNFS070.67	FC	154
Potomac	Stony Creek	V-B49R	1BSTY001.22	FC	155
Potomac	Stony Creek	V-B49R	1BSTY005.85	FC	156
Potomac	Stony Creek	V-B49R	STY4.24	BIO	157
Potomac	N.F. Shenandoah	V-B51R	1BNFS000.57	FC	158
Potomac	Stevens Run	V-B56R	1BSTV004.08	FC	159
York	South Anna River	V-F02R	8-SAR097.82	FC	160
York	unknown	V-F06R	8-HCN000.20	pH	161
James	Piney River	V-H10R	2-PNY005.29	FC	162
James	Rockfish River	V-H15R	RKF23.33	BIO	163
James	Totier Creek	V-H17R	2-TOT002.61	FC	164

ATTACHMENT B

Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
James	Hardware River	V-H19R	2-HRD011.57	FC	165
James	unknown	V-H19R	2-LTD000.96	FC	166
James	Lickinghole Creek	V-H23R	2-LKN003.12	FC	167
James	Mechums River	V-H23R	2-MCM005.12	FC	168
James	Rivanna River	V-H28R	2-RVN037.54	FC	169
James	Mechunck River	V-H30R	2-MCK000.40	pH	170
James	Rivanna River	V-H31R	2-RVN001.64	FC	171
James	Jackson River	V-I01R	2-JKS058.60	TEMP	172
James	Elk Creek	V-I28R	2-ELK001.37	TEMP	173
James	unknown	V-I36R	STM1.52	BIO	174
James	Maury River	V-I37R	MRY5.58	BIO	175
James	James River	W-H08R	2-JMS229.14	FC	176
James	Jackson River	W-I09R	2-JKS018.68	FC	177
Roanoke	Roanoke River	W-L03R	4AROA227.42	FC	178
Roanoke	Beaverdam Creek	W-L07	4ABDA003.63	FC	179
Roanoke	Old Womans Creek	W-L13	4AOWC005.36	FC	180
Roanoke	Snow Creek	W-L17	4ASNW000.60	FC	181
Roanoke	Goose Creek	W-L21R	4AGSE022.55	FC	182
Roanoke	South Mayo River	W-L43	4ASMR033.98	FC	183
Roanoke	North Mayo River	W-L46	4ANMR002.60	FC	184
Roanoke	Blackberry Creek	W-L52	4ABRY000.05	FC	185
Roanoke	Reed Creek	W-L53	4AREE000.80	FC	186

ATTACHMENT B

Waters to be Identified to Virginia for Listing Consideration During Development of Next List

Waters to be Identified to Virginia for Listing Consideration					
Basin	Water Name	Water Code	Sample Station Code	Pollutant	No.
Roanoke	Smith River	W-L54R	4ASRE022.71	FC	187
Roanoke	Marrowbone Creek	W-L55	4AMRR000.02	FC	188
Roanoke	Leatherwood Creek	W-L56	4ALWD002.54	FC	189
Roanoke	Dan River	W-L57R	4ADAN075.22	FC	190
Roanoke	Dan River	W-L60	4ADAN053.35	FC	191
Roanoke	Banister River	W-L65	4ABAN070.20	FC	192
Roanoke	Sandy River	W-L69R	4ASNE005.30 & 4ASRV000.20	FC FC	193
New River	Big Reed Island Creek	W-N14R	9-RIC000.50	FC	194
New River	Little Reed Island Creek	W-N15R	9-LRI000.40	FC	195
New River	New River	W-N16R	9-NEW106.83	FC	196
New River	New River	W-N18R	9-NEW081.72	FC	197
New River	Little Walker Creek	W-N27R	9-LWK000.77	FC	198
New River	Wolf Creek	W-N32	9-WFC000.20	FC	199

DEFINITIONS

BIO - Biological
 FC - Fecal Coliform/Bacteria
 TEMP - Temperature

ATTACHMENT C

(Reserved)

MEMORANDUM OF UNDERSTANDING
between
THE COMMONWEALTH OF VIRGINIA
and
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION III,
regarding
§§ 303(d) AND 303(e) OF THE CLEAN WATER ACT

Section 303(d) of the Clean Water Act ("CWA"), 33 U.S.C. § 1313(d), and the implementing regulations of the United States Environmental Protection Agency ("EPA") at 40 CFR § 130.7(b)-(e) provide a process for: (1) identification of water quality limited segments for which applicable technology-based effluent limitations and other controls are not stringent enough to implement water quality standards applicable to the waters (the identified segments are listed in the biennial "§ 303(d) list"); (2) establishing total maximum daily loads ("TMDLs") for the waters identified in the § 303(d) list at a level necessary to implement the applicable water quality standards; and (3) establishing a priority ranking for development of the TMDLs for those waters. Specifically, after a state submits its section 303(d) list(s) and/or TMDL(s), EPA approves or disapproves the listing and/or TMDL(s).

Section 303(e) of the CWA, 33 U.S.C. § 1313(e), and EPA's implementing regulations at 40 CFR § 130.5 also provide for Virginia's submission and EPA's review of the state's continuing planning process ("CPP"). At § 303(d)(2), 33 U.S.C. § 1313(d)(2), the CWA requires that the plans produced by the CPP contain the identifications and loads approved or established by EPA under § 303(d).

Va. Code §§ 62.1-44.15(10) and (13), 62.1-44.17:3, and 62.1-44.19:7 give the Virginia State Water Control Board (the "Board") the duty and authority to adopt TMDLs and to conduct the CPP in Virginia. Under the authority of Va. Code § 10.1-1183, the Virginia Department of Environmental Quality ("DEQ") serves as the administrative arm of the Board. Va. Code § 10.1-104.1 grants to the Virginia Department of Conservation and Recreation ("DCR") the lead responsibility for the Commonwealth's nonpoint source pollution management program. EPA supports Virginia's TMDL and planning activities with grants under the Clean Water Act. Under the authority of the State

Water Control Law and under § 402(b) of CWA, 40 Fed. Reg. 20129 (May 8, 1975), the Board issues National Pollutant Discharge Elimination System ("NPDES") permits in Virginia (where the state-issued permits are known as "VPDES" permits). These permits are subject to EPA's objection, and most are issued for the maximum term of five years. In conformance with the CWA and EPA's implementing regulations at 40 CFR Part 122.44(d)(1)(vii), the Board's regulations require that all VPDES permits ensure that effluent limits be consonant with the wasteload allocations approved by EPA under 40 CFR § 130.7. 9 VAC 25-31-220.D.1.f(2).

Through this Memorandum of Understanding ("MOU"), the Regional Administrator of Region III of EPA, the Director of DEQ, and the Director of DCR adopt their plan of action for the joint fulfillment of obligations imposed by § 303(d) and (e) of the CWA. In particular, this MOU sets forth a schedule for (1) developing the § 303(d) list; (2) developing, as necessary, TMDLs for those waters identified on the § 303(d) list; and (3) the submission of a revised CPP by Virginia and review of the revised CPP by EPA.

I. Section 303(d) List

EPA has approved Virginia's 1996 Section 303(d) list. On April 29, 1998 Virginia forwarded to EPA for comment a draft of its proposed 1998 Section 303(d) list. On August 30, 1998, Virginia initiated the public notice and comment process on its proposed 1998 Section 303(d) list. The time period for public notice and comment expired on September 30, 1998. After responding to public comments, Virginia submitted its Section 303 (d) list to EPA for approval on October 15, 1998. EPA will approve or disapprove Virginia's submission within 30 days. Virginia will submit subsequent 303(d) lists to EPA for approval as required by the CWA and its implementing regulations.

II. Establishment of TMDLs

A. Short Term TMDL Goals

Section 303(d) requires Virginia, as part of its 303(d) list, to establish a priority ranking for

waters on the list. 40 CFR Part 130.7(b) further specifies that this priority ranking identify the waters targeted for TMDL development in the next two years. The annual workplan described below at Section E, will be derived from the waters identified on the most recently approved Section 303(d) list as waters targeted for TMDL development within two years ("short-term list"). It is contemplated that each annual workplan will contain approximately one half of the waters identified in any then-current short-term list.

B. Long Term TMDL Goals

The draft of Virginia's proposed 1998 Section 303(d) list identifies approximately 726 water segments as needing TMDLs. These waters fall generally into three categories: (1) Two hundred forty segments which do not meet Virginia's numeric and narrative water quality standards and/or criteria, including EPA's five designated uses. These waters appear to be primarily affected by nonpoint source contributions (although some are affected by point source contributions) and generally appear on Part 1 of the section 303(d) list for Virginia; (2) Two hundred twenty four segments, listed because of the impact of point sources, for which NPDES permits have been issued to those point sources and those permits contain schedules to implement controls at a level necessary to meet water quality standards (although it is expected water quality standards will not necessarily be met within two years of establishment of the section 303(d) list for Virginia). These waters generally appear on Part 2 of the section 303(d) list for Virginia; and (3) Two hundred sixty-two impaired shellfish waters for which the sources of the impairment are not well understood.

Unless specified otherwise below, Virginia will develop and submit for EPA approval by May 2010, TMDLs for (1) all waters identified on the approved 1998 Section 303(d) list (except to the extent EPA approves removal of any segment from the list) and (2) any waters that may be added to Virginia's approved 303(d) list through the year 2004. Except as specified below, as to any water that is added to Virginia's approved 303(d) list after 2004, Virginia will develop and submit to EPA for approval TMDLs for those waters not more than 12 years after that water is added to that section 303(d) list. DEQ will review Virginia's progress toward this goal biennially as part of the adoption of Section 303(d) lists. In keeping with this goal, Virginia anticipates developing and submitting TMDLs to EPA for approval as set forth herein.

The parties recognize that the actual number of TMDLs developed by Virginia and submitted to EPA annually may vary depending on a number of factors including availability of resources, the total number of segments appearing on any then-current Section 303(d) list, the level of complexity of any given TMDL and the number of waters for which TMDLs remain to be developed.

(1) Waters appearing on the approved 1998 section 303(d) list for Virginia which do not meet Virginia's numeric and narrative water quality standards or criteria, including EPA's five designated uses. DCR, in cooperation with DEQ, will be primarily responsible for developing TMDLs for these waters. DCR and DEQ anticipate developing and submitting to EPA for approval TMDLs for these waters as follows:

1998-5/1/99	1 segment
5/1/99-5/1/2000	12 segments
2000-2002	30 segments
2002-2004	40 segments
2004-2006	49 segments
2006-2008	54 segments
2008-2010	54 segments

(2) Waters appearing on the approved 1998 section 303(d) list for Virginia, because of the impact of point sources, for which NPDES permits have been issued to those point sources and those permits contain schedules to implement controls at a level necessary to meet water quality standards (although it is expected water quality standards will not necessarily be met within two years of establishment of the section 303(d) list for Virginia). DEQ and EPA believe that the permits issued to the point sources which discharge the pollutants for which these segments are listed, contain compliance schedules and that those schedules will cause implementation of controls at a level necessary to meet water quality standards. Within five years from the execution of this MOU, Virginia will either develop and submit to EPA TMDLs for these segments or will submit to EPA, after the point sources achieve compliance with the schedules in their permits, the information necessary to gain EPA approval to remove these waters from the section 303(d) list. As to any waters that are added to Virginia's section 303(d) list after 1998 for which water quality standards are not expected to be met (within two years of establishment of that particular post-1998 section

303(d) list) with the application of technology based effluent control technology, of secondary treatment and best practicable treatment, Virginia will, within 5 years after those waters are added to the section 303(d) list, either submit to EPA information necessary to gain EPA approval to remove such waters from the section 303(d) list or develop TMDLs for those waters.

(3) TMDLs for impaired shellfish waters. The 1998 proposed list is the first Virginia 303(d) list to contain impaired shellfish waters. Virginia intends to meet the 2010 goal for developing and submitting TMDLs for impaired shellfish waters appearing on the approved 1998 section 303(d) list for Virginia. Because of the current lack of information on the causes and sources of this impairment, Virginia is not yet prepared to adopt a short term goal for proposing those TMDLs.

(4) TMDLs for other waters. To the extent there are waters of other types that appear on the approved section 303(d) list for Virginia, such as waters for which it is not known whether the effect is due primarily to point sources or to nonpoint sources or waters impacted significantly by both point and nonpoint sources, Virginia will develop and submit to EPA for approval TMDLs for those segments by the year 2010.

C. Funding & Training.

EPA will use its best efforts to provide funding, training, and administrative and technical assistance to Virginia to facilitate the adoption of the § 303(d) lists and the development of the TMDLs in accordance with this MOU.

D. Water Quality Data

Upon request by EPA, Virginia will make available to EPA water quality-related data that EPA deems to be relevant to the establishment of TMDLs, except to the extent the data are privileged.

E. Annual Workplan

EPA and Virginia will produce an annual workplan, by July 1 of each year beginning in 1999,

setting forth the TMDLs to be developed by Virginia between July 1 of that year, and May 1 of the following year as well as the schedule for development of those TMDLs in accordance with Part II of this MOU, Virginia's TMDL public participation plan (after it has become effective) and the CWA. This schedule will be included as part of the annual report described in Part V of this MOU. The annual workplan shall reflect the priorities of the § 303(d) list then in effect, the goals set forth in this MOU, and the available financial and other resources.

F. Consultation and Cooperation

The parties will consult informally and cooperate wherever possible toward meeting the requirements of State and federal law and toward achieving the goals of this MOU. In particular, TMDLs, section 303(d) lists and any other documents called for in this MOU will be provided to EPA by DEQ before public notice.

G. Public Participation

DEQ has reserved primary responsibility for the completion of the public participation elements of the TMDL development process. In keeping with this responsibility, and in cooperation with DCR, DEQ will develop a TMDL public participation plan and will submit a draft of that plan to EPA for comment by November 15, 1998. EPA will comment upon that plan within 30 days, and Virginia will consider EPA's comments and will finalize that plan within 30 days of receiving EPA's comments.

III. Continuing Planning Process

In 1973 Virginia submitted to EPA and EPA approved Virginia's Continuing Planning Process ("CPP"). The Board plans to develop a document which will describe Virginia's current CPP. Such CPP shall conform with the CWA and 40 CFR Part 130.5 and incorporate, *inter alia*, the framework and schedules in this MOU. Virginia will provide the document describing its CPP to

EPA for review by December 31, 1998. EPA will review the document and will provide comments to Virginia in approximately 150 days. Virginia will consider EPA's comments and finalize the document within 150 days.

IV. Funding

In order to perform the work set forth in this MOU, DEQ and DCR may need to redirect available staff and grant resources. Indeed, in order for Virginia to do the work set forth in this MOU according to the schedule established here, Virginia may need to acquire additional funding from EPA and/or other sources.

V. Reports

The workplan mentioned in Part II. E. shall include an annual status report to EPA describing progress toward completion of the obligations identified in the workplan and this MOU. The report shall include, without limitation, (1) the TMDL workplan described in Part II. E, above; (2) current and projected funding available to Virginia to carry out the obligations identified herein; and (3) other related issues or problems that may affect accomplishment of the goals identified herein.

VI. Monitoring


Virginia is in the process of developing an ambient monitoring strategy, one goal of which will be to increase Virginia's ability to assess a greater number of stream miles within the Commonwealth. EPA supports development of this strategy and will use its best efforts to provide guidance to Virginia in developing the strategy. Virginia anticipates developing the new ambient monitoring strategy and submitting it to EPA for review and comment by December 1999.

VII. Legal Effect

This MOU is a statement of goals and procedures by which the parties intend to meet their obligations under State and federal law. This MOU is not a contract. Nothing in this MOU shall be construed as an admission by EPA or Virginia. The parties do not intend that this MOU waive any party's sovereign immunity, or that it create or waive any cause of action or third party right of action or any claim to a right or benefit in any judicial or administrative forum. This MOU shall not be construed to create any right to judicial review involving the compliance or noncompliance with this MOU. The execution and implementation of this MOU does not constitute an explicit or implicit agreement by the Parties to subject themselves to the jurisdiction of any state or federal court. This MOU does not purport to authorize or excuse the violation of any applicable law or regulation or the lawful order of any court, nor shall anything in this MOU be construed to require actions by EPA or Virginia that are inconsistent with local, state or federal laws or any regulation or court order.

The parties pledge their best efforts toward meeting the goals stated in this MOU, and toward the end that Virginia's submissions to EPA under § 303(d) be timely and approvable by EPA and that Virginia's CPP conform with section 303(e) and its implementing regulations.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: 

W. Michael McCabe

Regional Administrator

USEPA Region III

Date: 11/9/98

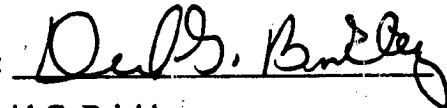
COMMONWEALTH OF VIRGINIA

By:  Date: 11/3/98

Dennis H. Treacy

Director

Department of Environmental Quality

By:  Date: 11/4/98

David G. Brickley

Director

Department of Conservation and Recreation

SETTLEMENT AGREEMENT

WHEREAS, on July 9, 1998, Plaintiffs American Canoe Association, Inc., and the American Littoral Society filed a complaint (Civil Action Number 98-979-A) in this action against Defendants United States Environmental Protection Agency ("EPA"), Carol M. Browner, in her official capacity as Administrator of EPA, and W. Michael McCabe, in his official capacity as Regional Administrator of EPA Region III.

WHEREAS, the parties have entered into a Consent Decree that sets forth certain EPA commitments regarding the Clean Water Act ("CWA") Section 303(d) lists; Total Maximum Daily Loads and Total Maximum Daily Thermal Loads (together, "TMDLs"); the Continuing Planning Process ("CPP"); and the Endangered Species Act ("ESA") in the Commonwealth of Virginia;

WHEREAS, the parties agree the Commonwealth of Virginia intends to establish TMDLs for all waters listed on the 1998 Section 303(d) list in accordance with the schedule set forth in the Memorandum of Understanding between EPA and the Commonwealth of Virginia on November 9, 1998, and that the Commonwealth of Virginia further intends to incorporate into the schedule any waters listed on subsequent Section 303(d) lists that are due to be submitted to EPA through December 31, 2004;

WHEREAS, the parties intend for this Settlement Agreement to set forth terms for certain matters also related to Section 303(d) lists, TMDLs, the CPP, and the ESA in Virginia that are not addressed in the Consent Decree;

WHEREAS, the parties have agreed to settle this lawsuit without any admission of fact or law, which they consider to be a just, fair, adequate and equitable resolution of the claims raised

in the action; and

WHEREAS, by entering into this Settlement Agreement, except as stated otherwise, the parties do not waive or limit any claim or defense, on any grounds, related to any final agency action taken pursuant hereto, including EPA's approval, disapproval and/or establishment of the next or subsequent Section 303(d) lists or TMDLs in Virginia;

NOW, THEREFORE, the parties agree as follows:

I. GENERAL TERMS

1. The parties to this Agreement are Plaintiffs American Canoe Association, Inc., and American Littoral Society; and Defendants EPA, Carol Browner in her official capacity as Administrator of EPA, and W. Michael McCabe in his official capacity as Regional Administrator of EPA Region III. The parties understand that Carol Browner and W. Michael McCabe were sued in their official capacities and that the obligations arising under this Decree are to be performed by EPA and not by Carol Browner or W. Michael McCabe in their individual capacities.

2. This Agreement applies to, is binding upon, and inures to the benefit of the parties.

3. Unless otherwise expressly provided, for the purposes of this Agreement the terms defined Paragraph 3 in the Consent Decree are incorporated by reference herein.

II. LISTING AGREEMENTS

4. If Virginia fails to submit its next Section 303(d) list to EPA in sufficient time for EPA to review and either approve and/or disapprove the list within thirty days of the applicable regulatory date by which the state submission of the next Section 303(d) list is due, EPA shall

either (a) establish a Section 303(d) list, or (b) approve Virginia's own Section 303(d) list, within 150 days of the date the next Section 303(d) list is due. If EPA adheres to this schedule, the Plaintiffs shall not sue EPA for failing to timely take final agency action on the next Section 303(d) list. Notwithstanding Paragraph 23, if EPA fails to adhere to this schedule, the Plaintiffs' sole remedy would be to sue EPA for failing to take timely final agency action on the next Section 303(d) list. EPA reserves all its defenses to any such suit.

5. If Virginia fails to submit any subsequent Section 303(d) list to EPA in sufficient time for EPA to take final action on the list within 30 days of the applicable regulatory date by which such state submission of that Section 303(d) is due, EPA shall either (a) establish a Section 303(d) list, or (b) approve Virginia's own Section 303(d) list, within 90 days of the date the subsequent Section 303(d) list is due. If EPA adheres to this schedule, the Plaintiffs shall not sue EPA for failing to timely review and approve and/or disapprove any subsequent Section 303 (d) list. Notwithstanding Paragraph 23, if EPA fails to adhere to this schedule, the Plaintiffs' sole remedy would be to sue EPA for failing to take timely final agency action on the subsequent 303(d) list. EPA reserves all its defenses to any such suit.

III. MONITORING ISSUES

6. Because EPA understands that Virginia has already decided to monitor and assess all of its waters by 2010, EPA agrees to work with Virginia to ensure that Virginia's monitoring program monitors and assesses all previously unassessed waters by December 31, 2009.

? Do I need to include in report to plaintiffs?

7. EPA's evaluations and recommendations pursuant to Paragraph 15 of the Consent Decree shall include topics including but not be limited to Virginia's:

(a) use of biological, chemical and physical data;

- (b) use of the binomial method of data analysis;
- (c) monitoring methodology and technology; and
- (d) monitoring of fresh, estuarine, marine and coastal waters.

8. EPA will use its best efforts to assure that Virginia's future annual workplans for grants under Section 106 of the CWA submitted to EPA after December 1999 shall incorporate Virginia's monitoring strategy and, as necessary, EPA's recommendations.

9. EPA will provide technical resources and management assistance to the Commonwealth of Virginia as necessary to help the Commonwealth utilize up to \$250,000 of annual grant funds provided to the Commonwealth by EPA pursuant to CWA Section 319 for the purpose of monitoring and assessment activities related to the development of Virginia's Section 303(d) lists and/or TMDLs. For example, EPA Region III agrees to aid Virginia in searching for financial sources and to assist with intergovernmental coordination and/or technical assistance. ✓

IV. ENDANGERED SPECIES ACT

10. Within 60 days of the entry date of the Consent Decree ("Entry Date"), EPA shall request an inventory of species listed or proposed to be listed and critical habitat designated or proposed to be designated under the ESA in Virginia from the U.S. Fish and Wildlife Service ("FWS") and the National Marine Fisheries Service ("NMFS"). ✓

11. In the event that EPA develops any further guidance or memoranda of understanding with FWS and/or NMFS regarding Section 303, EPA agrees to consider such guidance or memoranda in EPA's continuing efforts to protect and conserve listed and proposed species and their designated and proposed critical habitat.

V. OTHER AGREEMENTS

12. Whereas EPA Region III has already requested from Virginia the opportunity to review NPDES permits that authorize discharges of pollutants of concern to waters for which a TMDL has been approved or established by EPA, and to address Plaintiffs' concerns regarding the consistency of such NPDES permit effluent limitations with such TMDLs, for the first five (5) years following the Entry Date, EPA Region III shall review all Virginia NPDES permits that authorize point source discharges of pollutants of concern to waters identified on Attachments A or C of the Decree for which TMDLs have been approved or established by EPA. Thereafter, EPA Region III shall review an additional 125 Virginia NPDES permits, chosen solely at EPA's discretion, that authorize point source discharges to waters identified on Attachments A or C of the Decree for which TMDLs have been approved or established by EPA. As part of its review, EPA Region III will consider whether the NPDES permit effluent limitation(s) for the pollutant(s) for which an applicable TMDL has been approved or established by EPA are consistent with that TMDL. EPA Region III will perform these reviews during the draft permit stage before the corresponding final NPDES permits are issued.

13. Within three years from the Entry Date, EPA shall develop technical guidance regarding the establishment of TMDLs for impaired Virginia shellfish waters. EPA shall consider its guidance in approving or establishing TMDLs for Category 3 Waters. EPA shall also consider whether the guidance can be applied to impaired shellfish waters elsewhere and specifically in each Region III State and in New Jersey.

14. EPA will work with Virginia to improve Virginia's public participation process for developing the next and subsequent Section 303(d) lists and TMDLs including, but not limited to, EPA's review and recommendations of the public participation component of Virginia's CPP

described in Section IV of the Consent Decree. If Virginia fails to implement public notice and participation procedures with respect to its development of Section 303(d) lists and TMDLs that are consistent with any applicable requirements of the CWA, EPA shall provide additional timely public notice in the Federal Register of the availability of draft Virginia 303(d) lists.

VI. COMPLIANCE REPORTING

15. By November 15 of each year EPA will submit to Plaintiffs a report regarding the activities undertaken by EPA to comply with this Agreement. As part of this report EPA shall identify any water quality management plans developed by Virginia that incorporate TMDLs.

16. EPA will meet with the Plaintiffs at least once a year, if requested, to discuss progress in complying with this Agreement. At that meeting, EPA will make available for review by Plaintiffs, if requested, supporting documentation for EPA actions taken under the Settlement Agreement or Consent Decree, including any water quality management plans in EPA's possession that incorporate TMDLs and any correspondence between EPA and the U.S. Fish and Wildlife Service and the National Marine Fisheries Service pursuant to Section V of the Consent Decree.

17. Unless Virginia provides the documents identified in subparagraphs (a), (b) and (c) to the Plaintiffs or unless EPA provides written notice to the Plaintiffs that they are available on a publicly accessible website, EPA will timely provide Plaintiffs with copies of (a) all publicly available draft 303(d) lists and TMDLs, (b) the final Section 303(d) lists and TMDLs that Virginia submits to EPA for final agency action, and (c) the EPA final action on all such submissions, as well as copies of any 303(d) list or TMDL that EPA establishes itself. However, EPA's obligations under subparagraph (a) will terminate one year after EPA determines, pursuant

to Section IV of the Consent Decree, that the public participation component of Virginia's current CPP is consistent with any applicable requirements of the CWA.

VII. EFFECTIVE DATE

18. This Agreement shall become effective upon the entry of the Consent Decree by the Court. If for any reason the District Court does not enter the Consent Decree, the obligations set forth in this Agreement are null and void.

VIII. RELEASE BY PLAINTIFFS AND RESERVATION OF RIGHTS

19. This Agreement and, when entered, the Consent Decree shall constitute a complete and final settlement between the parties of all claims that were asserted by Plaintiffs in the Complaint subject to the express reservations of rights in Paragraphs 21 and 23 herein and in Paragraphs 27 and 28 of the Consent Decree.

20. Plaintiffs hereby release, discharge, and covenant not to assert against EPA (by way of the commencement of an action, the joinder of EPA, the Administrator and/or the Regional Administrator in an existing action, or in any other fashion) any and all claims, causes of action, suits or demands of any kind whatsoever in law or in equity that were asserted or should have been asserted under principles of res judicata by Plaintiffs in the complaint filed in Civil Action Number 98-979-A subject to the express reservations of rights in Paragraphs 21 and 23 herein and in Paragraphs 27 and 28 of the Consent Decree.

21. Plaintiffs reserve their rights to challenge in a separate lawsuit the merits of any final action taken by EPA pursuant to this Agreement, including but not limited to, the merits of EPA's final action on the next or subsequent Section 303(d) lists or TMDLs or EPA's review of CPPs. EPA reserves all its defenses to such suits.

IX. TERMINATION OF SETTLEMENT AGREEMENT

22. This Agreement shall terminate upon the termination of the Consent Decree.

X. DISPUTE RESOLUTION AND REMEDY FOR NON-COMPLIANCE

23. In the event of a disagreement concerning any aspect of this Agreement, the dissatisfied party shall provide the other party with written notice of the dispute and a request for negotiations. The parties shall meet and confer in order to attempt to resolve the dispute within 30 days of the written notice, or such time thereafter as is mutually agreed. If the parties are unable to resolve the dispute within 60 days of such meeting, then the Plaintiffs may apply to reactivate the litigation in Civil Action Number 98-979-A to seek appropriate relief. EPA does not waive or limit any defense relating to such litigation. The parties agree that contempt of court is not an available remedy under this Agreement.

XI. FORCE MAJEURE

24. The parties recognize that the performance of this Agreement is subject to fiscal and procurement laws and regulations of the United States which include, but are not limited to, the Anti-Deficiency Act, 31 U.S.C. § 1341, et seq. The possibility exists that circumstances outside the reasonable control of EPA could delay compliance with the timetables contained in this Agreement. Such situations include, but are not limited to, a government shutdown such as occurred in 1995 and 1996 or catastrophic environmental events requiring immediate and/or time-consuming response by EPA. Should a delay occur due to such circumstances, any resulting failure to meet the timetables set forth herein shall not constitute a failure to comply with the terms of this Agreement, and any deadlines occurring within 120 days of the termination of the delay shall be extended one day for each day of the delay. EPA will provide Plaintiffs

with notice as soon as possible under the circumstances when it learns the facts upon which EPA seeks to invoke this term of the Agreement. EPA will also provide Plaintiffs with reasonable notice of the termination of the force majeure event upon which EPA invoked this term of the Agreement. Any dispute regarding invocation of this provision shall be resolved pursuant to Paragraph 23 of this Agreement. If challenged, EPA shall have the burden to demonstrate that force majeure was appropriately invoked.

XII. MODIFICATIONS

25. If a subsequent change in law or regulations alters the applicable deadlines or alters or relieves EPA of its obligations concerning matters addressed in this Agreement, then the parties shall amend the Agreement to conform to such changes. Any dispute regarding invocation of this provision shall be resolved pursuant to Paragraph 23 of this Agreement.

XIII. AGENCY DISCRETION

26. Except as expressly provided herein, nothing in this Agreement shall be construed to limit or modify the discretion accorded EPA by the CWA, the ESA, the APA or by general principles of administrative law, including EPA's discretion to revise, amend or promulgate regulations, or to alter, amend, or revise from time to time any actions EPA may perform pursuant to this Agreement. This paragraph does not accord EPA the discretion to change any of its obligations under this Agreement.

XIV. NOTICE

27. All notices required or made with respect to this Agreement shall be in writing and shall be effective upon receipt, and shall be sent to:

For the Plaintiffs:

James M. Stuhltrager, Esq.
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Wilmington, DE 19803
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acalegal@aol.com

For the Defendants:

Associate General Counsel, Water Law Office
Office of General Counsel (2355)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Kerry Nelson
Office of Regional Counsel (3RC20)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

Letitia Grishaw, Chief
Environmental Defense Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986

Upon written notice to the other party, any party may designate a successor contact person for any matter relating to this Agreement.

XV. REPRESENTATIVE AUTHORITY

28. Each undersigned representative of the parties certifies that he or she is fully authorized by the party to enter into, execute, and bind such party to this Agreement.

XVI. MUTUAL DRAFTING

29. It is hereby expressly understood and agreed that this Agreement was jointly drafted by the parties. Accordingly, the parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms, meaning, or interpretation of this Agreement.

XVII. COUNTERPARTS

30. This Agreement may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any party shall have the same force and effect as if that party had signed all other counterparts.

XVIII. USE OF SETTLEMENT AGREEMENT

31. This Agreement shall not constitute an admission or evidence of any fact, wrongdoing, misconduct, or liability on the part of any party.

XIX. COMPLIANCE WITH OTHER LAWS

32. No provision of this Agreement shall be interpreted as or constitute a commitment or requirement that EPA obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or take actions in contravention of the APA, the CWA, the ESA, or any other law or regulation, either substantive or procedural.

XX. APPLICABLE LAW

33. This Agreement shall be governed by and construed under the laws of the United States.

XXI. THIRD-PARTY BENEFICIARIES

34. Nothing in this Agreement shall be construed to make any other person or entity not executing this Agreement a third-party beneficiary to this Agreement.

XXII. COSTS

35. EPA agrees that Plaintiffs are entitled to reasonable attorneys' fees and costs accrued as of the date of this Agreement. The parties will attempt to reach agreement as to the appropriate amount of the recovery. If the parties are unable to do so, Plaintiffs may file an application with the Court for the recovery of reasonable fees and costs within 90 days of the Entry Date, and EPA shall respond to it within 60 days. These deadlines may be changed as mutually agreed by the parties.

The parties consent to the form and substance of the foregoing Agreement.

FOR THE DEFENDANTS AND THE UNITED STATES OF AMERICA:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Dated: 6-4-99

By: Cynthia Drew
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CYNTHIA A. DREW
Environmental Defense Section
Environment and Natural Resources Division
P.O. Box 23986
Washington, D.C. 20026

Dated: 6-4-99

By: Jane Davenport/cd
JANE P. DAVENPORT
Wildlife and Marine Resources Section
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United States Attorney
Eastern District of Virginia

Dated: 6-4-99

By: Arthur Peabody
ARTHUR PEABODY
Assistant United States Attorney
Eastern District of Virginia

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and the United States of America:

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Kerry Nelson
Christopher A. Day
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1650 Arch Street
Philadelphia, PA 19107

FOR THE PLAINTIFFS:

Dated: 6/4/99

By: James R. May / lb
JAMES R. MAY
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